

Patrick M. Ryan



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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

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 is one of the most sought-after trial lawyers in the United States, handling cases across the country involving a cross section of complex commercial litigation, antitrust, trade secrets, intellectual property, class action, false advertising, and constitutional matters. Patrick is also widely regarded as an expert in First Amendment, anti-SLAPP litigation, including cases involving the freedom of the press, medical peer review proceedings, political speech, commercial speech, and California's litigation privilege. Over the last 24 years, Patrick has successfully litigated, for both plaintiffs and defendants, 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 both judges and juries, and he regularly solves complex problems for companies—both in and out of court—with fervor and creativity. Patrick's clients turn to him again and again for his unique perspectives and boundless creativity. Patrick has been ranked as one of the [Top 100 Lawyers in California](#) and has been ranked as one of the [Top IP Lawyers in California for 2023](#). In awarding this honor to Patrick, the Daily Journal quoted Patrick as saying: "I like to think not just outside the box, *I like to use tactics from another dimension.*" This creative approach is one of the keys to Bartko's success.

Patrick Is a Superstar Commercial and Antitrust Lawyer

Patrick actively advises, counsels, and litigates on behalf of victims of—as well as companies accused of engaging in—anti-competitive conduct. Patrick has 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.*"

Honors

Selected as Top 100 California Attorney by the Daily Journal (September 6, 2023)

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

Publications

Antitrust Policy: Convergence and Coordination, Daily Journal (January 6, 2010)

Class Certification: Wave of Stricter Standards Reaches Ninth Circuit Shores, Daily Journal (January 1, 2010)

Joint-Defense Agreements: Hidden Dangers, California Litigation Journal (May 15, 2003)

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 Is a Superstar IP Trial Lawyer

Patrick Patrick has been recognized as one of the top trial lawyers in the country. For example, in the California Daily Journal article naming Patrick as a [Top IP Lawyer in California](#), the publication highlighted Patrick's creative, innovative, and aggressive style of litigating. Prior to that, 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. One of the cases highlighted was Patrick's \$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. In addition, 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.

Patrick also has over a decade of experience helping clients protect their products from counterfeiters and gray market sellers. He has a 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.

As part of his practice, Patrick helps businesses better protect their IP and trade secrets and coordinates investigations into potential IP theft for companies accused of stealing IP and for companies that might be the victim of such theft. Patrick is known for doing his homework before filing cases, enabling him to go into court on an ex parte basis—without notice to the defendants—in order to obtain sweeping injunctions barring conduct, and seizing assets and money before the defendant even realizes it has been sued. Recently, in one such case, Patrick obtained such a sweeping injunction without advanced notice to the defendants, he was able to seize millions of dollars of the counterfeiters' money. Later, he successfully tried the case on behalf of JUUL Labs against the international counterfeiting ring based in China. The trial resulted in a broad and sweeping permanent injunction, solidifying a preliminary injunction previously obtained, along with an asset freeze of \$2.8 million. The case was tried on January 30, 2023 and, even though the Court found that defendants' profits were de minimis—due to defendants' willful conduct and the need to deter future misconduct—JUUL was awarded \$2,000,000 in statutory damages. In addition, the Court found that the case was "exceptional" and awarded Bartko its attorneys' fees and costs.

Prior Global Law Firm Experience

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

VHS Liquidating Trust, et al. v. Blue Cross Blue Shield Ass'n, et al., Alameda Cnty. Superior Court, Case No. RG21106600. Patrick is lead counsel for hospitals in massive landmark antitrust action, alleging Blue Cross and Blue Shield ("BCBS") Plans and their Association ("BCBSA") illegally agreed to restrain competition by allocating markets into exclusive territories to sell health insurance and administer benefits, boycotting providers, and fixing prices. Initially represented by Kirkland & Ellis, BCBSA's attempt to remove the case to bankruptcy court, and transfer to an MDL proceeding was rejected by both courts. Defendants then engaged Cravath and Mayer Brown, but the Court overruled their demurrer on all but one claim with leave to amend, and rejected Defendants' motion to strike, preserving Plaintiffs' alleged damages period. *VHS v. Blue Cross*, 2022 WL 2073533 and 2073534 (June 1, 2022). And the Court recently issued a ruling in favor of Plaintiffs on Defendants' second demurrer and motion to strike wherein the Court overruled Defendants' demurrer in its entirety and denied the motion to strike in its entirety, leaving the Plaintiffs free to seek hundreds of millions of dollars in damages going all the way back to 2008, in addition to treble damages, attorneys' fees, and costs. *VHS v. Blue Cross*, 2023 WL 3880421 (June 5, 2023).

Laub v. Horbaczewski, C.D. Cal., No. LA CV17-6210 JAK (KS). Patrick is co-lead counsel representing Justice Laub and Dan Kanes. They allege the defendants stole their idea for a televised drone-racing program and secretly incorporated the Drone Racing League in violation of a promise that plaintiffs would be co-owners. The Complaint states eight counts. Defendants, represented by Davis Polk and Morrison & Foerster, moved to dismiss Plaintiffs' claims three times. The Court denied these motions, holding all counts alleged viable claims. 2018 WL 5880950; 2018 WL 5903915; 2019 WL 1744845. Defendants also filed a defamation Counterclaim attacking edits to DRL's Wikipedia page. Bartko defeated this under the anti-SLAPP statute and are entitled to attorneys' fees because the edits were protected by the First Amendment. 2019 WL 3492402. This decision is the first applying the anti-SLAPP law to speech on Wikipedia.

BAMA Com. Leasing, LLC v. Uber Techs., Inc., San Francisco Cnty. Superior Court, No. CGC-19-579763. Bartko, with Patrick as lead counsel, represents Uber in a case brought by BAMA Commercial Leasing. BAMA originally alleged Uber misappropriated trade secrets concerning the car leasing industry, as well as breach of contract claims. In order to obtain discovery in a trade secret case, C.C.P. § 2019.210 requires a plaintiff to identify the trade secrets with reasonable particularity. After Bartko vigorously challenged BAMA's trade secret designations – both through the Court's informal process and the meet-and-confer process – BAMA capitulated and dismissed with prejudice its trade secret claim, leaving only its contract claims. Despite BAMA amending its complaint a number of additional times – attempting to state various tort claims – the Court sustained a demurrer without leave to amend, terminating BAMA's contract claims. 2023 WL 3239886. The case is set for trial in March 2024.

Sidibe v. Sutter Health, U.S. District Court for the Northern District of California, Case No. 3:12-cv-04854-LB. Patrick was part of a trial team representing Sutter, contributing to a complete defense jury verdict in an important antitrust case in which class action plaintiffs sought \$1.2 billion in treble damages plus attorneys' fees. Plaintiffs, representing a class of three million California businesses and individuals, asserted claims under California's Cartwright Act. Following a decade of litigation and a four-week jury trial, jurors unanimously found that Sutter did not engage in anticompetitive conduct. See Final Judgment (March 29, 2022, Dkt. No. 1543). The jury rejected plaintiffs' claims that Sutter tied its hospitals together or forced insurers to enter into contracts that prevented them from steering patients to specific providers. At trial, Sutter demonstrated that its contracts with insurers yielded procompetitive benefits and higher-quality care. Plaintiffs were represented by Steyer Lowenthal Boodrookas Alvarez & Smith, Constantine Cannon, and Pearson, Simon & Warshaw, among other law firms. Sutter was represented by Jones Day and Bartko.

SCA Pac. Holdings Inc. v. Sutter Health, Sacramento Cnty. Superior Court, No. 34-2022-00318465-CU-PA-GDS. Patrick was one of the primary lawyers representing Sutter in an arbitration against SCA Pacific Holdings, Inc., which resulted in an award granting Sutter all the core relief it requested. Sutter then defeated SCA's attempt to vacate the award, and secured a judgment confirming the award in Sacramento County Superior Court. SCA was represented during the arbitration by Crowell & Moring and by Gibson Dunn & Crutcher in the Superior Court's confirmation proceedings. The litigation stemmed from contracts between Sutter and SCA regarding ownership and operation of outpatient surgery centers, which contain a mutual change of control provision that if triggered allows the other party to purchase the interests of the party that changed control. In March 2017, SCA was sold into the UnitedHealth Group, and Sutter initiated arbitration given the change of control over SCA. After two weeks of testimony and argument and nearly 400 pages of briefing, the three-judge arbitration panel held a change in control had occurred and ordered SCA to sell its interests as required by the parties' contracts. The Superior Court confirmed the award and entered judgment. 2022 WL 17549107.

Representative Cases [Continued]

JUUL Labs, Inc. v. Chou, C.D. Cal., No. 2:21-cv-03056-DSF-PD. Patrick is co-primary counsel. Bartko represents JUUL in an anti-counterfeiting and trademark-infringement case against a network of counterfeiters based in China, who have a substantial presence in the U.S. The Bartko team filed a complaint detailing the evidence of counterfeiting, and moved quickly to obtain a broad TRO and preliminary injunction, including freezing and transferring to a secure account \$2.8 million of the defendants' assets. Bartko then filed an early MSJ, on which the Court found in JLI's favor as to infringement. The Court found substantial evidence the defendants' counterfeiting was willful, but deferred setting the final amount of statutory damages until a trial on that discrete issue. The case was tried on January 30, 2023 and, even though the Court found that Defendant's profits were de minimis, due to Defendants' willful conduct and the need to deter future misconduct, JUUL was awarded \$2,000,000 in statutory damages. In addition the Court found that the case was "exceptional," and awarded JUUL its attorneys' fees and costs.

ASML US, Inc. v. Xtal, Inc., Santa Clara Cnty. Superior Court, No. 16-CV-295051. Patrick led the litigation and trial team for ASML, the world's leading supplier of semi-conductor manufacturing equipment, in one of the largest trade secret victories in U.S. history, obtaining an \$845 million judgment.

Confidential Trade Secret Matter. 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.

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

Confidential Breach of Fiduciary Duty and Computer Fraud and Abuse Matter. 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.

Multiven v. Cisco Sys., Inc., N.D. Cal., No. C 08-05391 JW. 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. 725 F. Supp. 2d 887 (N.D. Cal. 2010).

In re Static Random Access Memory (SRAM) Antitrust Litig., N.D. Cal., No. M:07-cv-1819 CW. 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. 257 F.R.D. 580 (N.D. Cal. 2009).

Hillside Dairy, Inc. v. Kawamura, E.D. Cal., Nos. CV-S-97-1179 GEB JFM, CV-S-97-1195-GEB JFM. Patrick was co-lead counsel representing Arizona and Nevada dairy farmers who challenged the constitutionality of a California dairy regulation. He successfully argued that the regulation 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. 317 F. Supp. 2d 1194 (E.D. Cal. 2004).

Bodner v. Oreck Direct, LLC, N.D. Cal., No. C 06-4756 MHP. Patrick was co-lead counsel for a major national vacuum retailer in a widely publicized case in which the U.S. District 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. 2007 WL 1223777 (N.D. Cal. Apr. 25, 2007).

Sharper Image Corp. v. Target Corp., N.D. Cal., No. C 04-0824 CW. 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. 425 F. Supp. 2d 1056 (N.D. Cal. 2006).

Representative Cases [Continued]

Clearstream Commc'ns, Inc. v. Murray, N.D. Cal., No. CV S-02-1598 GEB JFM. 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. 2003 WL 24309646 (E.D. Cal. Jan. 15, 2003).

S.B. Beach Props. v. Berti, Supreme Court of California, No. S127513. 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. 39 Cal. 4th 374 (2006). The California Supreme Court's holding was dispositive of the client's case pending before the California Court of Appeal.

First Nat'l Mortg. Co. v. Fed. Realty Inv. Trust, N.D. Cal., No. C-03-02013 RMW. Patrick was lead counsel for the winning side in a two-and-a-half-week jury trial on damages that led to judgment being entered in the amount of \$15.9 million plus costs. 633 F. Supp. 2d 985 (N.D. Cal. 2009). The case involved novel and complex real estate and contractual interpretation issues. During the course of the case, the court issued numerous foundational decisions regarding California contract law that are frequently cited by courts and litigants. *See, e.g.*, 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); 2007 WL 581872 (N.D. Cal. Feb. 26, 2007) (order denying FRIT's post-trial motions); 2007 WL 1831113 (N.D. Cal. June 25, 2007) (order denying FRIT's motion for reconsideration). Following the district court's entry of judgment, 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. 631 F.3d 1058 (9th Cir. 2011).