



## Benjamin K. Riley



### Contact

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### Education

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

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

### Honors

California Attorney of the Year, 2022, 2003

Top Defense Verdict, 2023, 2000

Top 100 California Lawyer, 2022, 2023

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, 2022

Senior Fellow, Litigation Counsel of America

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

Editor, "ABTL Report"

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

Named as a "Super Lawyer" every year  
since 2004

### Practice Areas

Business Litigation

Class Action Litigation

Intellectual Property Litigation

Patent Litigation

Real Estate Litigation

Trade Secret Litigation

Trademark, Copyright and Technology Licensing Litigation

Trust and Estate Litigation

### Experience

Ben Riley is a Partner of the firm and serves on its Executive Committee. He has tried 30 cases to verdict, with 17 months in trial. Most recently, Mr. Riley won two massive trust trials. In 2022-23, his trial team and he obtained a complete defense verdict in connection with a \$680 million community property claim against a large trust, recognized as the Top Defense Verdict in a California Trusts and Estates trial for 2023. And in 2021, his Bartko team obtained a complete defense verdict in a \$250+ million oral inheritance case, earning a 2022 California Lawyer Attorneys of the Year Award. In addition, for 30 years Ben has focused on Intellectual Property Litigation, including patents, trade secrets, copyrights, trademarks and license disputes, and the full panoply of Business Litigation, successfully trying multiple cases.

Since 2019, Mr. Riley has been ranked by Chambers as one of the top 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 among the top 10 litigators in California for Private Wealth Disputes, reporting 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.

## Publications

**Bartko Trial Team Selected For Top Trust Defense Verdict**, Daily Journal (February 21, 2024)

**Ben Riley Again Selected as Top 100 California Attorney**, Daily Journal (September 6, 2023)

**Ben Riley Selected as Top 100 California Lawyer**, Daily Journal (September 21, 2022)

**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)

**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

In *KeyBank v. James Hays, et al.*, Mr. Riley represents the plaintiff in a suit in Solano County against an investor in mobile solar generators who is alleged to have aided and abetted a \$1 billion Ponzi scheme.

Mr. Riley is currently representing charities and private beneficiaries in approximately five other family trust cases, each with assets between \$20 million and \$100 million.

In *In Re Trust of Francesca Naify*, Mr. Riley and team successfully defended the Robert A. Naify Trust against a petition where a step-daughter claimed that her mother was not accorded her full share of community property. During a 20-day court trial held in May and August 2022, with 28 witnesses called, Petitioner sought damages of \$680 million, including exemplary damages and attorneys' fees. The Court's Statement of Decision rejected all of Petitioner's claims, finding in favor of Bartko's clients on three affirmative defenses and other claims. The Court also found that even if the Trust did not prevail on its defenses, Petitioner only established damages in the amount of \$167,000.

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 entered in favor of the Naify Trust, including an award for legal costs.

In *In Re Trust of Robert and Francesca Naify*, Bartko successfully resolved two other petitions brought against the Naify Trust by a 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.

## Representative Cases [ Continued ]

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.

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.