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Honoring the Top Performing Attorneys in California



Patrick M. Ryan

Bartko
San Francisco

Having been a defense attorney and a plaintiffs' attorney at several large law firms, Patrick Ryan says he knows the playbook that most firms work from in litigation. But it bores him. "I like to do things differently," he said.

That's why he left the big firms to join the Bartko boutique, where he now is the co-managing partner and head of its litigation, IP and antitrust groups.

Now, he said, he can use the standard playbook against his litigation opponents. "The way to beat them is to change the playbook, and not change it slightly, but change it radically," Ryan said. "It throws them off guard."

One change he has used successfully is to advance the timing of standard litigation steps. "I find ways to win cases sooner, to get to trial sooner," he said.

His standout example of that technique is a case about patent ownership from 2002 in which he filed a motion for summary adjudication just 103 days after filing the lawsuit. He won the motion 72 days after that, and the case quickly settled favorably. "The court never allowed the defendant to even take discovery," Ryan said. *Clearstream Communications Inc. v. Murray*, 2:02-cv-01598 (N.D. Cal., July 26, 2002).

He also prefers to use alternate billing arrangements. "The standard billable hour does not reward efficiency. It rewards inefficient lawyers. ... I like to get rewarded for doing things fast and better," Ryan said.

Ryan is set to represent an ag tech company in the retrial of a major trade secrets case against Walmart that's set to go before an Arkansas jury in January. Bartko joined the case this April. He said his clients developed

a method to curb spoilage of fresh produce that they were testing with Walmart. But then, "Walmart fired the plaintiffs and then claimed the technology as its own," he said. *Zest Labs Inc. v. Wal-Mart Inc.*, 4:18-cv-00500 (E.D. Ark., filed: Aug. 1, 2018).

In July, Ryan is set to try a contract and copyright case for a well-known artist who designed a popular new family of type fonts called Blooming Elegant. She is suing an online marketplace that allegedly purchased a single-user license but then sold the fonts widely, earning hundreds of millions of dollars. *Laatz v. Zazzle Inc.*, 5:22-CV-04844 (N.D. Cal., filed Aug. 24, 2022).

Ryan also has a thriving Constitutional Practice. In a recent free speech case, Ryan is defending San Mateo County's action to provide jail inmates their mail electronically on tablets, rather than give them the original paper versions. The goal is to prevent smuggling of fentanyl or other opioids laced into the paper. Opposing counsel include the Electronic Frontier Foundation. *A.B.O. Comix v. County of San Mateo*, 23-CIV-01075 (S.M. Super. Ct., filed March 9, 2023).

He said one concern is drug-sniffing dogs of prison staff opening mail being injured by fentanyl. "This is really an important issue for jails around the country," he said.