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INTELLECTUAL PROPERTY

Top Lawyers 2023



PATRICK RYAN

BARTKO ZANKEL BUNZEL & MILLER

SAN FRANCISCO | Trademark, Copyright,
and Trade Secrets Litigation

Patrick M. Ryan is a principal and shareholder at Bartko Zankel Bunzel & Miller, where he conducts IP and trade secrets litigation — along with a thriving antitrust and complex commercial litigation practice. He joined the firm in 2014.

“I’m busy on all fronts,” he said. “Everything is booming right now.”

Ryan’s been in demand partly because in 2019, he achieved a Daily Journal Top Verdict with one of the largest trade secret wins in California: an \$845 million verdict for his high-tech client, whose former employees took source code and other materials to a competitor. *ASML US Inc. v. XTAL Inc.*, 16-cv-295051 (S. Clara Co. Super. Ct., filed May 11, 2016).

“The other side declared bankruptcy, stipulated to the judgment and we got them to stop using our technology,” he said.

What hasn’t stopped is a surge in counterfeiting spurred by COVID-19. “The pandemic accelerated the gray markets, which has been flooded as legitimate supply chains were interrupted,” Ryan said. “People who play by looser rules try to fill the supply voids.”

Last year Ryan and a Bartko team represented Cisco Systems and Ciena Corp. in an anti-counterfeiting and trademark infringement case against a high-volume counterfeiter based in China that made networking components.

The case illustrated Ryan’s high-speed-attack approach.

Ryan and colleagues assisted with the initial investigation of the defendants, filed a detailed complaint and moved quickly to obtain two temporary restraining orders against the defendant. *Cisco Systems Inc. et al. v. Wuhan Wolon Communications Technology Co. Ltd. et al.*, 5:21-cv-04272 (N.D. Cal., filed July 23, 2021).

The team then obtained a court order expanding the temporary relief into one of the broadest anti-counterfeiting preliminary injunctions on record. It not

only bars the defendants from engaging in activities related to infringement, but also constrains the many channels that facilitate their offering and selling of counterfeit products — including e-commerce marketplaces, websites, shipping carriers, financial institutions and others.

“I believe in moving very quickly,” Ryan said. “Go in and file for a TRO under seal without notice to the defendant before they know what’s happening so they can’t hide the evidence and find alternative channels.”

He used the technique for Juul Labs Inc. in an anti-counterfeiting and trademark infringement case against a China-based counterfeiting network. *Juul Labs Inc. v. Chou et al.*, 2:21-cv-03056 (C.D. Cal., filed June 9, 2021).

After moving swiftly to obtain a broad TRO, he won summary judgment and is currently seeking a \$26 million statutory damages award.

“We were able to freeze \$2.8 million of the defendants’ assets,” Ryan said. “I like to think not just outside the box. I like to use tactics from another dimension. Attack and catch the other side off guard.”

—John Roemer