



Patrick M. Ryan, Partner

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Related Legal Services

Advertising Challenges and Litigation
Privacy and Security
Antitrust Litigation
Trade Regulation and Unfair Competition
Appellate and Critical Motions
Class Actions
Energy Industry Investigations and Litigation
Patent Litigation
Trademark/Copyright Litigation
Unfair Competition, Restrictive Covenants, and Trade Secrets
Complex Commercial Litigation
Product Liability
Professional Liability
Securities, Commodities, and Derivative Litigation and Regulatory Defense
Technology Litigation
Real Estate Investment Trusts
Real Estate Leasing
Real Estate Purchase and Sale
State and Local Tax
White Collar and Internal Investigations

Related Industries

Consumer Products and Services
Manufacturing
Professional Services
Telecommunications and Wireless

Law School

University of Notre Dame
JD, 1999

Bar Admissions

California

Court Admissions

U.S. Supreme Court
USCA - Federal Circuit

Patrick Ryan is a litigation partner in the firm's San Francisco office who focuses his practice on a cross-section of complex commercial litigation, class action, intellectual property, antitrust, tax, and constitutional matters. He represents clients in diverse industries, such as software, health care, retail, biotech, manufacturing, and real estate.

Mr. Ryan has significant federal and state courtroom experience in both bench and jury trials, extensive law-and-motion background, and appearances in both federal and state appellate courts. He has handled significant matters involving RICO, anti-SLAPP, and International Discovery Blocking statutes.

Mr. Ryan is often tapped to lead attorney teams in crisis litigation matters, where high stakes ride on prevailing on or defeating claims for injunctive relief.

Representative matters include:

- *Major Electronics Manufacturer.* Led team tasked with opposing class certification for all defendants in antitrust indirect purchaser action, and obtained preclusive sanctions against plaintiffs for spoliation of evidence and the 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 Litigation*, --- FRD ---, 2009 WL 1421460 (N.D. Cal. May 21, 2009).
- *Major Global Retailers.* Led legal teams charged with opposing class certification in multiple federal and state jurisdictions and negotiated and drafted major class action settlements, including settlements under CAFA.
- *Major Consumer Electronics Retailer.* Handled critical motions and appellate work, including briefing before federal and state appellate courts. Led attorney team and co-authored 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 the client. *Sharper Image v. Target Corp.*, 425 F. Supp. 2d 1056 (N.D. Cal. 2006). The matter also involved the application of California's anti-SLAPP statute in federal court.
- *Former Governor of Colorado.* Appeared as amicus in a successful appeal (*S.B. Beach Properties v. Berti*, 138 P.3d 713, 46 Cal.Rptr.3d 380 (Cal. 2006)), and presented oral argument before the California Supreme Court in a case involving the jurisdiction and interpretation of

Languages Spoken

Russian

California's anti-SLAPP statute.

- *Mortgage Company*. First-chaired successful two-and-a-half-week jury trial in federal court in case involving 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 lease duration of ground lease on 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, holding that *Sterling v. Taylor*, 40 Cal.4th 757 (2007) directly supports court's admission of extrinsic evidence with respect to lease duration). First-chaired two-week bench trial on damages that led to judgment being entered for client in the amount of \$15.9 million, plus costs. *First Nat'l Mortg. Co. v. Federal Realty Inv. Trust*, --- F. Supp. 2d ---, 2009 WL 1606468 (N.D. Cal. June 9, 2009).
- *International Police Organization*. Represented Interpol Pretoria and some of its employees in a dispute involving an alleged \$7-plus million fugitive reward related to the alleged arrest and conviction of suspects accused of embezzling \$72 million and attempted murder of a famous South African race-horse trainer. Co-authored motion to dismiss that led to the dismissal of all individual defendants, and motion to dismiss amended complaint that led to Interpol Pretoria being dismissed 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.*, --- F. Supp.2d ---, 2009 WL 2045148 (E.D. Cal. July 15, 2009).
- *Major Insurance Company*. Co-trieed a three-week jury trial in federal court, which resulted in a defense verdict. Plaintiff was seeking \$5 million in damages. Drafted the answering brief in the Ninth Circuit, which resulted in affirmation of the jury's verdict.
- *Software Developer*. Represented a software developer 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. Mr. Ryan led the team on this matter, including mastering the technical issues, researching, interviewing, and retaining top experts. Less than a month after retention, the case settled and the complaint was dismissed with prejudice.
- *Major Health Care Company*. Successfully co-trieed a three-week bench trial in a case involving complex real estate issues, and represented the client in appellate courts on a variety of statutory and constitutional issues.
- *European Auto Parts Distributor*. Represented client in computer-fraud and abuse action arising out of competitor hacking and downloading client's private members-only Web-based database. Mr. Ryan coordinated with the U.S. Attorney's Office respecting a parallel criminal proceeding that resulted in a grand jury indictment and guilty pleas of some of the same defendants sued in the civil proceeding. The civil action concluded with a substantial judgment being awarded against the former president of the competitor.
- *California Taxpayers*. Have represented major clients in disputes with governmental agencies regarding the amount of taxes owed.
- *Major Retailers*. Represented clients in trademark, copyright, and cybersquatting disputes and handled significant matters involving the French Blocking Statute and other similar discovery blocking statutes.

- *Arizona and Nevada Dairy Farmers*. Drafted and co-argued merits motion for summary judgment on out-of-state dairy farmers' dormant Commerce Clause claim against the California Department of Food and Agriculture on remand after a unanimous U.S. Supreme Court decision in the client's favor. The motion was granted in a published decision resulting in a permanent injunction of the key portion of California's dairy regulations. *Hillside Dairy v. Kawamura*, 317 F. Supp. 2d 1194 (E.D. Cal. 2004).
- *Telecommunications Company*. Brought breach-of-fiduciary-duty, legal malpractice, and computer fraud and abuse act lawsuit in federal court against client's former general counsel in an action related to the ownership of key patents. Quickly obtained preliminary injunction and, within roughly three months, brought a motion for summary adjudication, which was granted for legal malpractice and breach of fiduciary duty. *Clearstream Communications v. Murray*, 2003 WL 24309646 (E.D. Cal. Jan. 15, 2003). The case settled soon thereafter on very favorable terms.
- *Software Developer*. Represented developer of active-active source-code replication technology in a dispute with one of its founders, who was also a board member and officer. Matter was resolved quickly and favorably following filing of actions in Delaware Court of Chancery.
- *Wholesaler of Fine European Furniture*. First-chaired successful three-week jury trial in California Superior Court in case involving complex real estate issues.
- *Pro Bono*. Filed two 12(b)(6) motions, both of which resulted in the dismissal of claims with prejudice. The first motion defeated a nuisance claim on a novel procedural due process issue (this motion resulted in a published decision, *Swords to Plowshares v. Smith*, 294 F. Supp. 2d 1067 (N.D. Cal. 2002)), and the second defeated a similar claim on res judicata grounds. Co-authored opposition to 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).

Activities

Mr. Ryan is a member of the American Intellectual Property Law Association, The Lawyers' Club of San Francisco, the American Bar Association, and the St. Thomas More Society of San Francisco. He is also a fellow of the American Bar Association Fellowship. Mr. Ryan served on the board of governors of the Lawyers' Club of San Francisco from 2000 to 2007 and as the club's president in 2006. His involvement in the lawyers' club also has included serving as co-chair of the Executive, Operation, and Selection committees for some of the club's events. In that role, Mr. Ryan was the primary organizer of a major event honoring U.S. Supreme Court Justice Anthony Kennedy. He has also been the primary organizer of the annual luncheon honoring the California Supreme Court and has twice introduced the members of the Court at that event.

Education

Mr. Ryan received a B.A. in Political Science and Russian, *magna cum laude*, with honors, from the University of Arizona in 1996 and a J.D. from Notre Dame Law School in 1999. At Notre Dame, Mr. Ryan was co-captain of the National Moot Court Trial Team and received the International Academy of Trial Lawyers Award for Distinguished Achievement in Oral Advocacy and the Weber Moot Court Award for Outstanding Achievement in the Art of Oral Argument. While in law school, Mr. Ryan was research assistant to professor G. Robert Blakey (author of the RICO statute).

Speeches and Publications

Mr. Ryan's speaking engagements include: a presentation on "The Legality of Torture" to the combined meeting of the Bay Area American Inns of Court in San Francisco (2005); a presentation on the "Joint Defense Agreement" to the American Inns of Court (2004); and a presentation on "The Law in Film" to the American Inns of Court (2001). He is the author of "Joint Defense Agreements: The Hidden Dangers," *16 Cal. Lit. Journal* 8 (November 2003).