



Benjamin K. Riley

Partner

Ben Riley's legal practice covers a broad range of complex business litigation, with specialties in technology-related litigation, trade secrets, patents, business accounting issues, contract and licensing matters, unfair competition, construction and real property litigation, and probate litigation. He has tried over 20 cases to verdict, including jury trials, court trials and complex arbitrations. Mr. Riley co-led a team that obtained a defense verdict in a six-week securities class action jury trial with \$240 million in dispute, reported to be the year's largest defense victory in a jury trial in California.

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ADMISSIONS

California

EDUCATION

University of California, Berkeley,
School of Law (Boalt Hall) (JD,
1983)

Dartmouth College (AB, 1979)

Mr. Riley is a past President of the Northern California Chapter of the Association of Business Trial Lawyers, a 2000-member organization of the Bay Area's commercial and intellectual property judges and litigators. Ben is also an expert in commercial arbitration law and procedure and frequently handles significant matters before the world's leading arbitration forums. He has been selected as one of 13 California attorneys listed in *Who's Who of Commercial Arbitration*, and was named as a "2002 California Lawyer of the Year." In addition, he has been named a Northern California *Super Lawyer* by the *Daily Journal* from 2005-2010.

REPRESENTATIVE MATTERS

- *Actuate v. Washington Mutual*. Represented Washington Mutual and JPMorgan Chase in defense of case for alleged copyright violations and breach of license for database management software.
- *Juarez v. Jani-King*. Defense of national cleaning franchisor in alleged wage and hour class action.
- *Pokorny v. Quixtar*. Represent distributor in alleged RICO national class action.
- *Sun v. Azul*. Represented Sun in a complex hardware and software trade secret and patent case. Successful settlement.
- *United States Gypsum v. Pacific Award Metals*. Represented USG in a successful prosecution and settlement of trade secret and patent claims.
- *CPT v. LG Electronics*. Represented CPT in connection with international arbitration and multiple federal court litigations concerning complex contract, intellectual property and patent claims.
- *Forge v. Cyrix, et al.* Securities class action alleging violation of Sections 11 and 12 of the 1933 Exchange Act in connection with

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National Semiconductor's purchase of Cyrix. Verdict for the defense after a six week jury trial in which the plaintiffs alleged \$240 million in damages.

- *National Semiconductor v. Former Employee*. Obtained an inevitable disclosure preliminary injunction against former employee charged with stealing trade secrets.
- *In Re Crown Vantage Litigation*. Obtained complete dismissal of all fraudulent transfer, fiduciary duty and related claims brought by a Chapter 11 bankruptcy trustee against former CEO.
- *Broadband Holdings v. Norwest, et al.* Defense of lead venture capital investors in a breach of fiduciary case brought by minority investors in Yipes Communications.

COURTS & ADJUDICATIVE BODIES

- United States District Court for the Central District of California
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States District Court for the Eastern District of Texas
- United States District Court for the Eastern District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California

PROFESSIONAL AFFILIATIONS

- Association of Business Trial Lawyers - Northern California Chapter, Board of Governors, 2001-2007; President, 2007; Vice President, 2006; Treasurer, 2005; Secretary, 2004; and Editor, *ABTL Report*, 2001-2006.

PRO BONO

- *Soko Bukai v. YWCA*. San Francisco Superior Court. Prosecution of trust to obtain title to historic Japanese YWCA building in San Francisco. Settlement was achieved preventing sale of the building and dedicating it to charitable use.

COMMUNITY SERVICE

- Board Member, Children's Garden, 1985 to 1990
- Board Member and Officer, Orinda Association, 1990 to 1992
- Member and Chair, Orinda Parks and Recreation Commission, 1993 to 1999
- Task Force, Orinda City Maintenance Yard, 2005 to 2006

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PUBLICATIONS & SPEAKING ENGAGEMENTS

ARTICLES

"Three Pitfalls for Trade Secret Plaintiffs." *ABA Business Torts Journal* Vol. 15, No. 3, Spring/Summer (2008). at 1.

"Tips for an Effective and Successful Arbitration." *ABTL Northern California Report* Vol. 14, No. 1 (Summer 2005): 1.

"Trying (and Winning) the Big Case." *ABTL Northern California Report* Vol. 10, No. 1 (November 2000): 1.

"Managing a High Technology 'Unfair Competition' Case." *ABTL Northern California Report* Vol. 9, No. 2 (March 2000): 3.

"Effective Use of Computer Graphics and Animations." *ABTL Northern California Report* Vol. 7, No. 1 (November 1997): 1.

SPEECHES

"Undue Influence." Northern California Planned Giving Council, San Francisco, CA (February 2006).

"Using Electronic Evidence." ABTL Northern California, San Francisco, CA (June 2003).

"Effective Cross-Examination." San Francisco Bar Association, San Francisco, CA (May 2002).

"Demonstrative Evidence." Federal Judicial Training Center IP Seminar, Berkeley, CA (2000, 2001, 2003).

IN THE NEWS

"California Lawyer of the Year: Pro Bono." *California Lawyer* (March 2003).