



SONY B. BARARI

PARTNER

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Sony Barari is a Partner at Bartko Pavia LLP and specializes in high-stakes intellectual property, trusts and estates, and other complex commercial litigation. With twenty years of litigation experience, Sony has served as first or second chair in multiple trial victories, handling cases that range from pro bono matters to billion-dollar defenses. With a background in molecular biology and genetics, he previously worked as an in-house attorney for a biotech company and was an employee of the United States Patent and Trademark Office (USPTO), where he is a member of the patent bar. He has also litigated and provided counsel to intellectual property clients in various fields, including computer software, language recognition, mobile communications, systems monitoring, and electronics. Sony's work encompasses patent infringement, trademark, trade secret, copyright, cybersquatting, right of publicity, and unfair competition matters. Additionally, he has helped companies protect and monetize their intellectual property portfolios. Sony's practice also includes high-end trusts and estates, as well as other commercial litigation. He has litigated cases in various federal district courts across the country, as well as appellate matters before the Ninth Circuit Court of Appeals, the Federal Circuit Court of Appeals, and the Supreme Court of the United States. In his personal life, Sony speaks Bengali, plays guitar, and enjoys spending time on the open road.

CREDENTIALS

EDUCATION

- College of William Mary, J.D.
- Harvard University, M.A.

- University of California, Los Angeles, B.S.

BAR ADMISSIONS

- State Bar of California
- United States Patent and Trademark Office Patent Bar

COURT ADMISSIONS

- United States District Court for the Northern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California
- United States District Court for the Central District of California
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Federal Circuit

RECOGNITIONS

- California Lawyer Attorney of the Year (CLAY) Award (2022)

EXPERIENCE

- *Natera, Inc. v. Sequenom, Inc.* (N.D. Cal.). Sony was lead counsel representing a plaintiff seeking to invalidate a patent relating to non-invasive prenatal genetic testing. He succeeded in obtaining a summary judgment of invalidity on the grounds that the patent – which had sought to claim discoveries relating to the mathematical relationship between maternal and fetal DNA in the mother's bloodstream – extended to unpatentable laws of nature. Otherwise, the patent had threatened to violate this fundamental tenet of patent law and foreclose an entire field of technology based on the discovery that fetal DNA is present in mappable quantities in maternal blood as early as 10 weeks into pregnancy. The ruling was unanimously affirmed by the Federal Circuit Court of Appeals in a consolidated appeal, and upon argument and review the Supreme Court of the United States declined to grant certiorari in *Ariosa Diagnostics, Inc. et al. v. Sequenom, Inc.*, 788 F.3d 1371 (Fed. Cir. 2015), cert. denied 136 S. Ct. 2511 (2016).
- *AntiCancer, Inc. v. Carestream Health, Inc.* (S.D. Cal.). Sony defended a medical imaging equipment maker against claims of infringement of patents covering the imaging of cancer cells genetically transformed to express green fluorescent proteins (GFPs). Sony's familiarity with the field and ability to conduct his own primary source scientific research allowed him to identify

relevant prior art that resulted in the case settling favorably after a partial summary judgment of non-infringement was granted in favor of his client.

- *Genetic Technologies Limited v. Natera, Inc.* (D. Del. and N.D. Cal.). Sony was lead counsel defending a genetic testing company against claims of patent infringement by a non-practicing entity. After obtaining a rarely granted transfer of the matter from the plaintiff's home venue of Delaware to the client's home in the Northern District of California, 2014 WL 1466471 (D. Del. Apr. 15, 2014), the plaintiff dismissed all claims in a "walk away" agreement without payment.
- *Davis v. Electronic Arts* (N.D. Cal.). Sony represented the class of all former NFL athletes whose likenesses had been improperly used for the "historic teams" in the popular Madden NFL video game series without their consent. In a decision that has had extensive repercussions (including with the similar suit brought by NCAA athletes against EA sports for misappropriating the likenesses of college athletes without compensation), the Ninth Circuit upheld the district court's finding that EA could not claim an "incidental use" or a First Amendment defense to the NFL players' right-of-publicity claim.
- *Netlist v. Diablo* (N.D. Cal.). Sony represented plaintiff in a complicated trial of trade secret, patent and trademark claims involving state of the art memory module technology.
- *WiAV v. Motorola* (E.D. Va.). Sony was a member of a team representing tent-owner Mindspeed Technologies, Inc. against claims of invalidity and unenforceability for eight of its patents related to speech coder technology.
- *EBS Automotive Systems et al. v. Illinois Tool Works et al.; Illinois Tool Works v. MOC Products Company et al.* (S.D. Cal.). Sony represented Illinois Tool Works in two patent infringement cases involving motor vehicle maintenance equipment.
- *International Printer Corp. v. Brother International Corp. et al.* (E.D. Tex.). Sony defended the producer of imaging and printing equipment in a patent infringement suit in the Eastern District of Texas regarding systems and methods for monitoring and controlling copy machines.
- Sony managed the transition of American Honda's entire copyright portfolio into digital media and developed an ongoing program for copyright renewal and registration.

INSIGHTS

HONORS AND AWARDS | 21, FEBRUARY 2024

BARTKO WINS TOP DEFENSE VERDICT

San Francisco, CA — The Bartko trial team from the In Re Francesca Naify case received a Daily Journal award as one of California's top five defense verdicts in 2023, and the top trust and estate case verdict. Ben Riley, Rob Bunzel, and Sony Barari tried the case over five weeks, with 93 hours of testimony. The case involved deceased United Artists theater tycoon Robert Naify and claims...

PRESS RELEASE | 07, FEBRUARY 2023

BARTKO CLIENTS WIN \$680 MILLION FRANCESCA NAIFY CASE

The San Francisco Superior Court entered its Statement of Decision and Judgment in favor of Bartko clients, the Co-Trustees of the Robert A. Naify Trust, and against Petitioner Christina Cortese. Cortese had sought as much as \$680 million in community property damages on behalf of her deceased mother. The Court's Statement of Decision rejected all of Ms. Cortese's claims...

MEDIA MENTIONS | 18, OCTOBER 2022

BARTKO TRIAL TEAM NAMED CALIFORNIA ATTORNEYS OF THE YEAR!

Bartko attorneys Ben Riley, Sony Barari, Rob Bunzel, and Gabriella Wilkins were named 2022 California Attorneys of the Year, following their complete trial victory in the Robert A. Naify Trust case. The petitioner in that case claimed that her step-father, Robert Naify, promised to leave her his golf course in Spain, and to treat her the same as his biological daughters in his final trust....

PRESS RELEASE | 28, MARCH 2021

BARTKO SECURES TRIAL VICTORY IN \$250+ MILLION ALLEGED ORAL PROMISE CASE

Bartko clients, the Co-Trustees of the Robert A. Naify Trust, won a complete victory after a court trial held in February and March 2021. The Petitioner, Christina Cortese, alleged that her stepfather, Robert Naify, orally promised to leave her a golf course in Marbella, Spain, and to treat her the same as his two biological daughters in his final trust. Ms. Cortese, represented by...

PUBLICATIONS | 30, JUNE 2015

FEDERAL CIRCUIT DECLINES REQUEST FOR REHEARING EN BANC IN HIGH PROFILE, NON-INVASIVE PRENATAL GENETIC TESTING PATENT CASE

The U.S. Court of Appeals for the Federal Circuit has denied the appellants' request for rehearing en banc of the consolidated appeal of *Ariosa v. Sequenom, Inc.* and *Natera v. Sequenom, Inc.* BartkoZankel clients Natera and DNA Diagnostics Centers, providers of non-invasive prenatal genetic tests, filed a declaratory judgment action in 2012 seeking a determination that defendan...

PUBLICATIONS | 12, JUNE 2015

FEDERAL CIRCUIT AFFIRMS GRANT OF DECLARATORY JUDGMENT OBTAINED BY BARTKOZANKEL IN NON-INVASIVE PRENATAL GENETIC TESTING CASE

The U.S. Court of Appeals for the Federal Circuit affirmed the Northern District's grant of summary judgment in favor of BartkoZankel's clients Natera, Inc. and DNA Diagnostics, Corp. in *Natera v. Sequenom, Inc.* In a consolidated appeal, the Federal Circuit upheld the ruling of District Court Judge Susan Illston that the patent-in-suit is invalid because its claims are not directed to...

PRESS RELEASE | 28, MAY 2015

BARTKOZANKEL OBTAINS FINAL APPROVAL IN FINANCIAL ADVISOR CLASS SETTLEMENT

The firm, representing a defined class of 135 former Wells Fargo financial adviser executives, obtained court approval of a settlement against the bank for a total of \$7.42 million. *Wakefield, et al. v. Wells Fargo Company, et al.*, 3:13-05053 LB (ND Cal.). The settlement also requires Wells to cease forfeiting deferred compensation of financial advisers who leave the bank to work for...

PRESS RELEASE | 12, JANUARY 2015

FEDERAL COURT ORDERS DIABLO TO PAY NETLIST ATTORNEYS' FEES AND COSTS

Oakland, California

PRESS RELEASE | 12, JANUARY 2015

NETLIST WINS MAJOR LEGAL VICTORY IN TRADE SECRET, BREACH OF CONTRACT LAWSUIT AGAINST DIABLO TECHNOLOGIES, INC.

Oakland, California

COURT DENIES MOTION TO STRIKE IN NETLIST PATENT CASE

April 1, 2014 – BartkoZankel and co-counsel achieved a significant result for client Netlist on April 1, 2014, with the court's Order denying Defendants' motion to strike Netlist's patent infringement contentions. The court agreed that Netlist's contentions were sufficiently stated based on the publicly known information available to Netlist, even though Netlist had not yet obtained the...

AREAS OF FOCUS

PRACTICES

Intellectual Property

Litigation