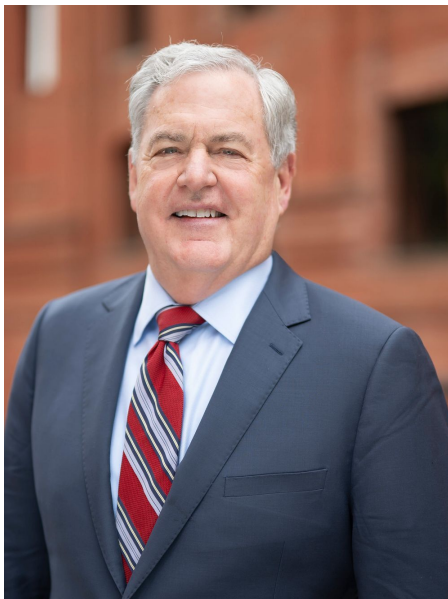




BENJAMIN K. RILEY

PARTNER

SAN FRANCISCO

☎ 415.956.1900

📠 415.291.4507

Benjamin K. Riley is a Partner of Bartko Pavia LLP and for many years served as a member of the Executive Committee. He has tried 30 cases to verdict, including 17 months in trial. Most recently, Ben won two massive trust trials. In 2022-23, he and his trial team obtained a complete defense verdict in connection with a \$680 million community property claim against a large trust. [See judgment here](#). Additionally, in 2021, his team obtained a complete defense verdict in a \$250+ million oral inheritance case, earning a [2022 California Lawyer Attorneys of the Year Award](#). [See Decision Here](#). In addition, for 30 years Ben has focused on intellectual property litigation, including patents, trade secrets, copyrights, trademarks and license disputes, and the full panoply of business litigation, successfully trying multiple cases.

Ben has obtained multiple Honors and Awards in his practice, including: California Attorney of the Year (2022, 2003); Top 100 California Lawyer (2022, 2023); Top Defense Verdict (2021, 2001); Chambers ranked for both Intellectual Property Litigation: Trademark, Copyright & Trade Secrets (2019-2025) and High Net Worth, Private Wealth Disputes (2021-25); Best Lawyers in the United States for Commercial Litigation, Alternative Dispute Resolution, and Intellectual Property Litigation (2019-25); Lawyer Representative to the Ninth Circuit, selected by the federal judges from the Northern District of California (2010-13); President, Association of Business Trial Lawyers (Northern California) (2007); and Editor, ABTL Report (2002-2006).

Since 2019, Ben has been ranked by Chambers as one of the top California attorneys in Intellectual Property Litigation: Trademark, Copyright & Trade Secrets. Chambers writes: "Benjamin Riley is 'very organized, writes beautifully and is great in front of judges,' report sources, further noting: 'He's very bright, quick to grasp technical and legal issues, and he's very efficient.' He is an

experienced practitioner skilled in handling a broad range of contentious IP matters. He is particularly highlighted for his expertise in trade secret disputes.” In addition, Chambers High Net Worth Guide ranks Ben among the top 10 litigators in California for Private Wealth Disputes, reporting that “Ben is extremely knowledgeable, thoughtful, detail-oriented, and practical in his approach to trust and estate disputes. He operates with the utmost integrity. Ben is also very unflappable, a trait which serves him well in the litigation context. He just has this quiet efficiency about him that is very powerful.”

Ben has lectured and published extensively on topics related to intellectual property, business litigation, trust & estate litigation, and trial practice skills. He concentrates on commercial arbitration law and procedure and regularly handles important cases before the world’s leading arbitration forums. Ben also has an active practice as a Mediator for the Northern District of California and for private litigants.

CREDENTIALS

EDUCATION

- University of California, Berkeley, School of Law, J.D.
- Dartmouth College, A.B., cum laude

BAR ADMISSIONS

- California State Bar

COURT ADMISSIONS

- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Ninth Circuit
- 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

RECOGNITIONS

- Recognized by “Best Lawyers,” Commercial Litigation, Alternative Dispute Resolution, and Intellectual Property Litigation (2021–2025)
- Named as a Northern California Super Lawyer (2004–2025)
- Chambers Ranked for Intellectual Property Litigation: Trademark, Copyright & Trade Secrets (2019–2024)
- Chambers Ranked for High Net Worth, Private Wealth Disputes (2020–2024)
- Top 100 California Lawyer (2022, 2023)
- California Attorney of the Year (2003, 2022)
- Top Defense Verdict (2001, 2021)
- Lawyer Representative to the Ninth Circuit, selected by the federal judges from the Northern District of California (2010–2013)
- President, Association of Business Trial Lawyers (Northern California) (2007)
- Editor, ABTL Report (2002–2006)
- Martindale-Hubbell Peer Review, AV Rating, 5 Stars

EXPERIENCE

- In *KeyBank v. James Hays et al.*, Ben and his team represent KeyBank in Solano County against an investor in mobile solar generators who is alleged to have aided and abetted a \$2 billion Ponzi scheme. KeyBank seeks \$11.6 million in damages plus prejudgment interest. We recently received an order from the Court finding a prima facie case against defendant James Hays under the crime-fraud exception to the attorney-client privilege, ordering Hays to produce documents previously withheld as privileged. [See ruling and order here](#). Trial is set for September 2025.
- In *Re Avenali Trust Litigation*, Ben represented the co-trustees of the trust against claims of undue influence, fraud, mistake, and lack of capacity by a granddaughter against her deceased grandparents, the trustors. We first obtained an order barring any claim against valuable Napa vineyard property, then obtained summary adjudication on the undue influence, mistake, and lack of capacity claims. [See motion for summary judgment here](#). The parties then resolved the remaining claim on highly favorable terms.

- In *Cherny v. Aspiration*, in 2024, Ben obtained a complete victory in a JAMS arbitration, rejecting the former CEO's claims for bad-faith damages and attorneys' fees and limiting recovery to the amounts specified in the severance agreement. [See Final Award here](#).
- Ben is currently representing other charities and private beneficiaries in other family trust cases, each with significant assets at issue.
- In *In Re Trust of Francesca Naify*, Ben and team successfully defended the Robert A. Naify Trust against a petition where a stepdaughter claimed that her mother was not accorded her full share of community property. During a 20-day court trial held in May and August 2022, with 28 witnesses called, Petitioner sought damages of \$680 million, including exemplary damages and attorneys' fees. The Court's Statement of Decision rejected all of Petitioner's claims, finding in favor of Bartko's clients on three affirmative defenses and other claims. The Court also found that even if the Trust did not prevail on its defenses, Petitioner only established damages in the amount of \$167,000. Judgment entered for the Co-Trustees which may be viewed [here](#).
- In *In Re Trust of Robert Naify*, Ben and the Bartko team defended a claim for breach of alleged oral inheritance promises. Mr. Naify's stepdaughter claimed she was promised a golf course in Spain and to be treated the same as Mr. Naify's biological daughters in his final trust - claims valued between \$250 million and \$300 million. In 2021, our clients prevailed after a three-week court trial where the Court found petitioner failed to prove her alleged promises. Judgment entered in favor of the Naify Trust, including an award for legal costs. [See Decision here](#).
- In *In Re Trusts of Robert and Francesca Naify*, Bartko successfully resolved two other petitions brought against the Naify Trust by a second stepdaughter, again alleging improper allocation of community property. The court-approved settlement provides a lifetime trust for housing and certain living expenses, but no lump-sum payment. All of the petitioner's claims were released and dismissed.
- In *Cloud Cruiser Arbitration*, Ben prosecuted breach of license claims involving database software for monitoring and use of cloud computing. In *Netlist v. Diablo*, Ben represented plaintiff in the trial of trade secret, patent, and trademark claims involving HyperCloud® LR-DIMM memory module technology.
- In *Wells Fargo v. ABD*, Ben represented the defendants in a trademark case over his client's business name, twice defeating Wells Fargo's motions for preliminary injunction. 2014 WL 4312021.
- In *Geron v. ViaCyte*, Ben successfully defended a Section 146 appeal of a patent interference action based on the PTO Board of Appeals' finding of lack of enablement.

- In *Scicom v. Actuate*, Ben prosecuted a copyright and breach of contract action concerning the misuse of database software.
- In *Impinj v. Synopsys*, Ben represented the Claimant in a JAMS arbitration regarding the rights and restrictions under an Asset Purchase Agreement and the sale of non-volatile memory semiconductor technology.
- Ben successfully defended Washington Mutual, JP Morgan, and Raytheon in disputes over copyright and software license agreements concerning database software.
- In *Juarez et al. v. Jani-King*, Ben defeated class certification in a matter involving the alleged violation of California wage and hour laws asserted against the world's largest janitorial franchise companies. An appeal of the matter is pending.
- In *Dr. Bronner's Magic Soap v. Hain Celestial et al.*, Ben obtained a dismissal of unfair competition and Lanham Act claims in favor of a cosmetic manufacturer accused of deceptively labeling products as "Organic."
- In *Sun Microsystems v. Azul*, Ben represented the plaintiff in connection with patent, trade secret, contract, and interference claims brought against its former employees concerning JAVA-based software and hardware for parallel chip computing.
- In *Broadband Holdings v. Norwest*, Ben obtained summary judgment for former directors and venture capital shareholders in a breach of fiduciary duty and fraud action.
- In *Forge v. National Semiconductor*, Ben obtained a defense verdict for his client after a six-week class action jury trial alleging breach of fiduciary duty and Sections 11 and 12 securities law violations in connection with the manufacture of microprocessors.
- In *Soko Bukai v. YWCA*, Ben successfully sued for breach of trust in connection with a historic building in San Francisco's Japantown resulting in conveyance of the historic home of the Japanese YWCA to a community childcare organization.

INSIGHTS

HONORS AND AWARDS | 01, JANUARY 2025

BARTKO LLP ATTORNEYS RECOGNIZED AS BEST LAWYERS® AWARD RECIPIENTS

We're proud to announce that four Bartko, LLP attorneys have been named in the 2025 edition of The Best Lawyers in America®. Best Lawyers is the oldest and most respected lawyer ranking service, using a peer-review process to ensure credibility and trust. Since it was first published in...

PUBLICATIONS | 07, MAY 2024

BENJAMIN K. RILEY PUBLISHES ARTICLE IN THE LITIGATION MAGAZINE ON TRYING A TRADE SECRET CASE: A ROAD MAP

Trade secret trials challenge and engage all of a trial lawyer's essential skills and training. Dealing with state-of-the-art technology—intricate circuit designs, sophisticated manufacturing processes, or highly complex formulas—is often a huge challenge, but there are other pitfalls for the unawar...

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...

PRESS RELEASE | 18, JANUARY 2024

AMERICAN HEART ASSOCIATION RETAINED BARTKOZANKEL TO REPRESENT IT FOR CHARITY FAMILY TRUST

American Heart Association retained BartkoZankel to represent it in connection with a Trust which provided gifts to family members and three charities. The family members claimed they should be entitled to the entire Trust, valued at \$13.5 million. In December 2011, Ben Riley and Kerry Duffy...

HONORS AND AWARDS | 10, NOVEMBER 2023

FIVE BARTKO LAWYERS RECOGNIZED AS 2024 BEST LAWYERS® AWARD RECIPIENTS

Bartko LLP is pleased to announce that five lawyers have been included in the 2024 edition of The Best Lawyers in America®. Since it was first published in 1983, Best Lawyers has become universally regarded as the definitive guide to legal excellence.

HONORS AND AWARDS | 15, SEPTEMBER 2023

BARTKO'S BEN RILEY NAMED TOP 100 LAWYER

San Francisco, CA – Benjamin K. Riley—a principal in Bartko's Litigation practice and a member of the firm's Executive Committee—was selected by the California Daily Journal as one of the "Top 100 Lawyers in California" for 2023.

HONORS AND AWARDS | 15, SEPTEMBER 2023

PATRICK M. RYAN AND BENJAMIN K. RILEY NAMED "TOP 100 LAWYER" IN CALIFORNIA

San Francisco, CA – Patrick M. Ryan—head of Bartko law firm’s Litigation practice and Chair of its Antitrust and IP and Brand Protection groups, and a member of the firm’s Executive Committee—and Benjamin K. Riley—a principal in Bartko’s Litigation practice and a member of the firm’s...

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 behal...

HONORS AND AWARDS | 18, NOVEMBER 2022

FIVE BARTKO LAWYERS NAMED TO 2023 BEST LAWYERS® LIST

Bartko is pleased to announce that five lawyers have been included in the 2023 edition of The Best Lawyers in America®. Since it was first published in 1983, Best Lawyers has become universally regarded as the definitive guide to legal excellence.

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...

PUBLICATIONS

- Daily Journal (September 6, 2023)
[Ben Riley Again Selected as Top 100 California Attorney](#)
- Daily Journal (September 21, 2022)
[Ben Riley Selected As Top 100 California Lawyer](#)
- Daily Journal (March 30, 2022)
[Billionaire's Trust Defeats Stepdaughter's Claim of Oral Promise](#)
- Daily Journal (September 28, 2021)
[Filing Vaccine Injury Claims Under the Federal Vaccine Injury Act](#)

- Daily Journal (November 15, 2019)
[Saving the Japanese YWCA Building](#)
- Litigation Magazine, Vol. 45, No. 4, 12-13 (Summer 2019)
[Sometimes It Pays to Opt for a Jury in Business Disputes](#)
- Litigation Magazine, Vol. 43, No. 3, 47-51 (Spring 2017)
[Trying a Trade Secret Case: A Road Map](#)
- ABTL Northern California Report, Vol. 19, No. 2 (Spring 2010)
[Catch the Conscience: Scripting a Winning Opening Statement](#)
- BZB Alert
[President Signs Defend Trade Secrets Act of 2016](#)
- Litigation Magazine, Vol. 41, No. 2 (Winter 2015), at 51
[How Not to Regret Your Direct: Exploring the Human Story](#)
- Christopher Spadea, Ben Riley, Thomas Britven & Ryan LaMotta, *Trade Secret Damages*, in *Calculating and Proving Damages* 9 (Law Journal Press 2011)
["Trade Secret Damages," Chapter 9, Calculating and Proving Damages](#)
- Fortune.com (February 17, 2011)
[Three Legal Lessons for Startups](#)
- Los Angeles Daily Journal (November 21, 2008)
Secrets Service
- ABA Business Torts Journal, Vol. 15, No. 3 (Spring/Summer 2008)
[Three Pitfalls for Trade Secret Plaintiffs](#)
- ABTL Northern California Report, Vol. 14, No. 3 (Summer 2005)
[Tips For A Successful Arbitration](#)
- *The Fireman's Rule Defined By The Cost-Spreading Rationale*, 71 Calif. L.Rev. 218 (1983) (cited and relied on by 13 courts including the Supreme Courts of California, Colorado, Nevada, Ohio, and Puerto Rico).

AREAS OF FOCUS

PRACTICES

Intellectual Property

Litigation

