



# BRIAN BARAN

Associate | Washington, D.C.

650.623.5070

bbaran@reichmanjorgensen.com

## EDUCATION

Stanford Law School, J.D. (2018)

Rice University, B.A., *summa cum laude*, Philosophy, Sociology (2015)

## CLERKSHIP

The Honorable Gary Feinerman  
*U.S. District Court for the Northern District of Illinois*

The Honorable Patricia A. Millett  
*U.S. Court of Appeals for the D.C. Circuit*

## COURT ADMISSIONS

California

District of Columbia

U.S. Supreme Court

U.S. Court of Appeals for the Ninth Circuit

U.S. Court of Appeals for the Federal Circuit

U.S. District Court for the Eastern District of California

U.S. District Court for the Northern District of California

**Brian Baran** is an appellate and trial lawyer in Reichman Jorgensen Lehman & Feldberg LLP's Washington, D.C. office. He focuses on critical motions and appeals across a variety of matters, including complex commercial, intellectual property, and energy litigation. Brian enjoys distilling thorny legal and technological issues into clear, persuasive written and oral advocacy for his clients.

Brian's appellate experience includes multiple Ninth Circuit arguments, merits briefing in the Ninth and Federal Circuits—including a federal preemption dispute, pro bono immigration and prisoners' rights matters, and patent appeals from both district courts and the Patent Trial and Appeal Board—and cert-stage briefing in the U.S. Supreme Court. Brian has also litigated a wide range of issues in federal and state trial courts, including requests for preliminary injunctive relief, discovery disputes, dispositive and *Daubert* motions, and pre- and post-trial motions.

Brian is committed to giving back to the community through a robust pro bono practice, including representing an asylum seeker at the Supreme Court, Ninth Circuit, and Board of Immigration Appeals, along with representing California state prisoners challenging unconstitutional sleep deprivation in federal district court and on appeal.

Before joining the firm, Brian clerked for the Honorable Gary Feinerman of the U.S. District Court for the Northern District of Illinois and then for the Honorable Patricia A. Millett of the U.S. Court of Appeals for the D.C. Circuit.

Brian earned his J.D. from Stanford Law School, where he was named the Nathan Abbott Scholar (highest cumulative grade score) and graduated with Pro Bono Distinction. As a member of the Supreme Court Litigation Clinic, he worked to protect voting rights and the rights of the accused in cases at the certiorari and merits stages. Brian also served as a managing editor of the *Stanford Law Review*. Brian and his partner in the Kirkwood Moot Court competition finished as semifinalists and won the award for best respondents' brief.

Brian graduated *summa cum laude* from Rice University with a B.A. in philosophy and sociology and a minor in business. He was awarded Distinction in Research and Creative Works and inducted into Phi Beta Kappa. Brian's peers selected him for the Rice University Service Award in memory of Dean Hugh Scott Cameron for his service to the student body.

ReichmanJorgensen.com



SILICON VALLEY · NEW YORK · ATLANTA · WASHINGTON, D.C. · AUSTIN

## Representative Matters

- Argued and helped brief the California Restaurant Association’s Ninth Circuit appeal in its challenge to the City of Berkeley’s gas ban, leading to a landmark victory in which a unanimous panel reversed the district court and held that Berkeley’s ban is preempted by federal law. The RJLF team’s victory was acknowledged as the runner-up for *The AmLaw Litigation Daily’s* “Litigator of the Week” and has been publicized in national news sources including *The New York Times*, *Bloomberg*, *Reuters*, and *The Wall Street Journal*. Also helped defend against Berkeley’s unsuccessful petition for rehearing en banc.
- Helped achieve an \$84 million willful patent infringement verdict on behalf of Cirba, Inc. (d/b/a Densify) against tech giant VMware, Inc. Following a five-day jury trial in the District of Delaware, the jury ruled—in only two hours—that VMware willfully infringed on cutting-edge Cirba’s virtualization technology. The win earned *The AmLaw Litigation Daily’s* “Litigator of the Week” shoutout. Tasked with critical briefing, including preliminary injunction, dispositive, *Daubert*, and pre- and post-trial motions; deposition discovery; and litigating Federal Circuit appeals arising out of district court and Patent Trial and Appeal Board proceedings.
- Represented Alcoa USA Corporation in successfully fending off temporary injunction and damages litigation brought by Luminant Generation Company stemming from the parties’ complex contractual relationship at a 30,000-acre industrial site in Rockdale, Texas.
- Representing a coalition of businesses, trade associations, and labor unions in federal preemption litigation in the Northern District of New York challenging New York State’s gas ban and also in the Southern District of New York challenging New York City’s gas ban.
- Representing VideoLabs in patent litigation regarding foundational video technologies against multiple Fortune 500 companies, including Netflix and Meta.
- Represented Droplets in patent litigation against Yahoo! (now Altaba) and Nordstrom in the Northern District of California and Federal Circuit, as well as in Altaba’s dissolution proceedings in Delaware Chancery Court.

## Pro Bono Service

- Representing an applicant for asylum in a petition for review at the Ninth Circuit and a petition for certiorari to the Supreme Court raising important jurisdictional issues, as well as in a bond appeal at the Board of Immigration Appeals.
- Representing California state prisoners in § 1983 litigation challenging unconstitutional sleep deprivation in the Eastern District of California and on appeal to the Ninth Circuit.

## Publications

- “Comment on the Ninth Circuit’s Decision in *California Restaurant Association v. City of Berkeley*,” co-author, *The Source* (Winter 2023)
- “Comment on the Ninth Circuit’s Decision in *California Restaurant Association v. City of Berkeley*,” co-author, *AGA Annual Legal Forum* (July 2023)
- “Addressing Stranded Assets for Natural Gas Utilities,” co-author, *AGA Annual Legal Forum* (July 2022)
- *Mainstream Jurisprudence and Some First Amendment Problems: Judge Neil M. Gorsuch on Free Expression*, 69 *STAN. L. REV. ONLINE* 109 (2017) (with Nathaniel Rubin)