



## Richard P. Sybert

### PARTNER

San Diego

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### RELATED SERVICES

- Intellectual Property Litigation
- International Law
- Antitrust
- Business Transactions
- Trial Practice
- Commercial Litigation
- Franchise
- Unfair Competition
- Asia Pacific
- Intellectual Property Transactions

### OFFICES

- San Diego
- Honolulu
- Portland
- Tucson
- Seattle

### OVERVIEW

Richard Sybert is a senior partner and co-chair of the firm's Intellectual Property, International and Antitrust practice groups, working nationally out of the firm's Western regional offices. He has a national and international practice representing and counseling major U.S. and foreign businesses in complex commercial litigation and arbitration of all kinds in state and federal courts, and before administrative agencies. His areas of expertise include all aspects of intellectual property including trademarks, patents, copyrights, and trade secrets; unfair competition including antitrust and trade secrets; and complex commercial litigation and counseling including product labeling, franchise,

contract, and securities litigation. He has substantial and successful jury trial experience. He has also been certified as a commercial arbitrator for the American Arbitration Association and formerly a California State Bar Certified Specialist in Franchise and Distribution Law.

Mr. Sybert has extensive foreign experience and a significant part of his practice involves consulting on doing business abroad, especially Asia. He is fluent in various languages and is admitted as a solicitor to the High Court of Hong Kong. Prior to joining GRSM in 2001, Mr. Sybert served as General Counsel and Vice President of Lanard Toys, a Hong Kong based, U.S.-owned toy company with global operations, where he was responsible for the company's legal affairs worldwide as well as business management of its U.S. operations.

From 1978 to 1990, Mr. Sybert was an associate and partner at the Sheppard Mullin firm in Los Angeles and a columnist for various Southern California newspapers before leaving for public service. In 1990 he became Southern California Director for U.S. Senator Pete Wilson, and was then appointed by the newly-elected Governor Wilson as California's Director of Planning and Research, where he served for three years and was responsible for strategic and long-range policy development for the State of California. He was also Chair of the State's Growth Management Commission, the Interagency Commission on Geographical Information Standards, and a member of the Commission on State Mandates. From 1993 to 1998 Mr. Sybert served as the Public Member on the Santa Monica Mountains Conservancy in Southern California, and was the Republican nominee in California's 24th Congressional District in 1994 and 1996. He served for 10 years as a U.S. Naval Reserve intelligence officer, and was a White House Fellow and Special Assistant to the U.S. Secretary of Defense in the Reagan Administration.

## REPRESENTATIVE EXPERIENCE

**Examples of Mr. Sybert's experience include the following:**

- Jury verdict, upheld on appeal, in favor of toy manufacturer in Los Angeles federal court against infringing importer of "knock-offs".
- Defeat of preliminary injunction by rival restaurateur for alleged trademark infringement after 5-day hearing in federal court in Chicago.
- Successful preliminary injunction proceeding against alleged trademark infringement in recreational vehicle industry, Dallas federal court
- Successful defense of breach of contract claims and millions in claimed damages against a provider of managed car wash systems (full arbitration, Chicago).
- Obtained defense jury verdict and award of attorney's fees, upheld on appeal, in breach of contract and water damage case (jury trial, Los Angeles).

- Obtained successful resolution of copyright litigation for cancer research in biotech industry in Detroit federal court.
- Successful co-defense of patent infringement claims in Seattle federal court against a manufacturer of civil and military avionics.
- Successful defense of trademark infringement claims in the athletic footwear industry in Portland, Oregon federal court.
- Successfully prosecuted breach of contract and commercial claims in dispute for the leading outsource provider of medical diagnostic technologists in Nevada.
- Successful defense of class actions for false advertising against a leading biomedical research agency in federal courts in San Diego and Sacramento, and state courts in Tennessee and California.
- Successful defense of trade secret misappropriation claims in drone industry for precision agriculture in Ventura Superior Court.
- Successful defense of trade secret misappropriation claims between competitors in space exploration tech industry.
- Successful prosecution of infringement and cybersquatting claims and recovery of MALIBU PIER trademark for California State Parks, in Los Angeles federal court (jury trial).
- Recovery of over \$600,000 in damages and attorney's fees for intentional copyright and trade dress infringement in the toy industry based on reckless indifference to likelihood of infringement in China, Los Angeles federal court (jury trial).
- Reduction from \$5 million to \$666,000, and denial of injunctive relief, in retrial of damages award in architectural copyright case over luxury homes in Beverly Hills and Bel Air, in Los Angeles federal court (jury trial).
- Successful resolution of litigation for Huntington Beach Conference & Visitors Bureau with Santa Cruz, California interests over rights to SURF CITY USA® trademark, San Francisco federal court. ("Goin' to Surf City? Two Coastal Towns Claim the Title," The Wall Street Journal, April 12, 2007)
- Dismissal of Australian client on jurisdictional grounds from contractual dispute concerning concert tour promotions, Miami federal court.
- Secured favorable Markman determination of patent claims for kitchen countertop fabrication, San Diego federal court.
- Copyright infringement litigation for software in the Voice Over Internet Protocol digital telephony industry, San Francisco federal court.
- Copyright infringement, trade secret and unfair competition litigation for software security and maintenance, San Diego Superior Court.
- Successful prosecution of declaratory relief action over design patent claims for furniture design, Orange County federal court.

- Represented karaoke distributor in multi-party copyright infringement litigation with the music industry in federal court in Nashville, secured the only ruling in the country that synchronization copyright licenses not needed, federal court in Salt Lake City.
- Defeated attempt by the Oakland Raiders to reclaim www.raiderettes.com domain name from former licensee for wall calendars, ICANN proceeding.
- Successful prosecution of claims and defense of alleged wrongful termination against terminated Mexican franchisee of Frazee Paint (three-judge arbitration under United Nations trade rules).
- Successful defense of trademark infringement claim of “Rolladen” as a generic mark under the rule of foreign equivalents, Las Vegas Superior Court.
- Defense of copyright and trade secret claims for custom chocolate novelties, federal court in Seattle.
- Defense of copyright infringement claims for downloading of Internet photographs, federal court in Dallas.
- Defense of Microsoft claims of unauthorized sale of copyrighted software, federal court in Arizona.
- Representation of franchise owners against forced conversion of Mail Boxes Etc. to The UPS Store, Los Angeles Superior Court.
- Defense of professional negligence claims brought against a law firm based on prior art patent searches in the biotechnology field.
- Copyright and trademark infringement and trademark dilution litigation in San Diego federal court between U.S. and Chinese manufacturers of portable massage tables.
- False advertising litigation in federal court in Los Angeles between U.S. and Australian competitors in direct marketing distribution for hair removal products.
- Declaratory relief action in San Diego federal court against infringement claims of Dutch owner of patent for waste sorting and recycling machinery.
- Successful plaintiff in trademark infringement litigation in Los Angeles federal court over the FROSTY BITES® mark on frozen desserts.
- Injunction action on behalf of Israeli military simulation software company against its joint venture partner and U.S. government procurement program for tank training simulators, for theft of proprietary information.
- Negotiation of false advertising claims brought by Los Angeles District Attorney against bottlers of spring water.
- Seizure by U.S. Customs of imported Brazilian beach towels infringing Credit Suisse ingot design.
- Successful enforcement program in the Los Angeles Jewelry Mart and related federal court cases against infringement of the PEANUTS® cartoon characters.
- Obtained and proved up \$3 million default judgment for patent, trademark, and design infringement of various toys, Los Angeles federal court.
- Coordinated successful prosecution of IP litigation in the toy industry against serial infringers in Hong Kong, U.K., Canada, and the U.S.

- Trademark prosecution for numerous marks in industries and services including computer consulting, laser eye and cosmetic surgery, scuba diving equipment, clothing, toys and sporting goods, among others.
- Coordination of global trademark and copyright registrations in selected markets, including North America, Japan, Europe and Latin America.
- Defense of unfair competition and design infringement claims by Hasbro regarding action figures in the High Court of Nanterre, France.
- Defense of claims of misappropriation of trade secrets by former employee of software data recovery company, San Diego Superior Court.
- Obtained a complete defense judgment following a month-long jury trial for claims of respiratory and allergic injuries resulting from mold, and over \$20 million in total damages.
- Successful defense of claims ranging from breach of contract and misappropriation of trade secrets, to theft of key employees and software.
- Successful defense against motions to dismiss and to strike the counterclaims and defenses of their client, a mobile advertising company.
- Obtained complete defense verdict for trademark infringement, copyright infringement, and breaches of a licensing agreement in the sale of cable jewelry, Ninth Circuit Court of Appeals.

## PUBLICATIONS

### Publications and Presentations

- Mr. Sybert is a frequent speaker at intellectual property forums. He has taught commercial and antitrust law as an adjunct professor at Loyola Law School and intellectual property at UCSD Extension.
- Mr. Sybert was a columnist for the *Pasadena Star News* and *Los Angeles Herald Examiner*, and his op-ed articles have appeared in the *New York Times*, *Los Angeles Times*, and numerous other newspapers and magazines.
- Mr. Sybert has been featured in *The Wall Street Journal*, *The New York Times*, the *Intellectual Property Journal*, *U-T San Diego*, *The Sacramento Bee*, and *Law & Politics' Super Lawyers* publication.
- See [video stream](#) of argument before 9th Circuit Court of Appeals ([1:17 mark](#)).
- Mr. Sybert has also published numerous law review articles, including *The Impact of Bilski on Business Methods* (Aspatore 2009); *Copyright Protection for Useful Articles*, 54 *Journal of the Copyright Society of the USA* 419 (2005); [The Madrid Protocol: New Tool For Trademark Protection](#); *The Impact in California of Illegal Immigration*, *Univ. San Diego Law Review* (1996); *Update on Adhesion Contracts*, 15 *U. Loyola L. Rev.* (1985); *Articles 4 and 9, Uniform Commercial Code*, *Journal Interworld* (Japan) (1984); *Antitrust Tying*, *Los Angeles Lawyer* (1982); *Adhesion Contracts in California*, 11 *U. Loyola L. Rev.* (1978).

## CREDENTIALS

### Admissions

- California
- Washington
- Oregon
- Hawaii
- Arizona
- Hong Kong

### Memberships

- Bruin Professionals
- The New Majority

### Community Involvement

Mr. Sybert has served as President of the Southern California Harvard Law School Association, on the Alumni Board in San Diego for the UCLA Anderson Graduate School of Management, and was a founder of the San Diego chapter of UCLA Bruin Professionals. He is on the Board of New Majority California, a group dedicated to fiscal responsibility in government, and served as Chair of its San Diego chapter.

As the State of California's Director of Planning and Research, Mr. Sybert spearheaded a multi-year series of economic and policy studies including Keeping California Competitive (June 1992); California's Future Economy (October 1993); The North American Free Trade Agreement (May 1993); Fiscal and Economic Policy in California (August 1993); and Service Taxes In Other States (Dec. 1991); and later, in the private sector Civil Justice Reform in California, California Center for Public Policy (October 1994).

### Education

- J.D., *cum laude*, Harvard Law School
- MBA, Finance, Anderson School at UCLA
- A.B., *with great distinction*, University of California, Berkeley

### Clerkship

- Senior United States Judge Martin Pence, District of Hawaii

### Honors

- Top Rated Lawyer-AV® Preeminent™, Martindale-Hubbell
- *Super Lawyers*® distinction in the fields of Intellectual Property Litigation, International Law, and Antitrust Litigation (2007, 2011-2019)
- Top Lawyer in San Diego, Intellectual Property (*San Diego Magazine*, 2017, 2025)

- Lawyer Legion Board Certified Attorney in Franchise and Distribution Law

**Languages**

- French
- German
- Italian
- Spanish
- Swedish
- Portuguese