



## Matthew R. Berry

Partner

Seattle

(206) 516-3880

[mberry@susmangodfrey.com](mailto:mberry@susmangodfrey.com)

### Overview

Matt Berry represents plaintiffs and defendants in state and federal courts across the United States. Mr. Berry handles a wide variety of complex commercial litigation including patent infringement, antitrust, pharmaceutical disputes, legal malpractice, and large business disputes.

A member of the firm's Executive Committee since 2020, Mr. Berry was previously featured in Law360's [Plaintiffs Bar Perspective](#) where he shared insights and advice on being a plaintiffs attorney. Mr. Berry was also named by Law360 as a "Rising Star – Trials" in 2017 and a "Rising Star – Intellectual Property" in 2018 for his winning litigation work. *Lawdragon* has also included Mr. Berry on their list of the 500 Leading Plaintiff Financial Lawyers every year since 2020. Mr. Berry has also been named a Washington Super Lawyer each year for over a decade.

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*“Berry comes highly regarded as **“very diligent, knowledgeable, and technically proficient”**, earning praise for his expert handling of patent infringement and licensing disputes.”*

**As Quoted in the IAM Patent 1000 2024 Rankings**

### LANDMARK RESULTS

Mr. Berry is often at the center of precedent-setting, major litigation results.

In what was called the “[Tech Trial of the Century](#)” Mr. Berry and a team from Susman Godfrey were hired by Uber Technologies, Inc. just months before trial when Alphabet's Waymo was claiming more than \$1.86 billion in damages against Uber over allegations of stolen trade secrets in California federal court. Mr. Berry deposed Waymo's damages expert and then filed the motion to exclude the expert and his \$1.86 billion damages model, which was granted

in full, leaving Waymo with no damages expert for trial. *Benchmark Litigation* awarded Mr. Berry and the Susman Godfrey team National Impact Case of the Year for their work on this matter. Read coverage in Bloomberg and Reuters.

Working at the helm of a major legal malpractice action, Mr. Berry joined a team of Susman Godfrey lawyers from its New York office to secure a confidential settlement with Proskauer Rose on behalf of California venture capitalist, Robert Adelman, who blamed Proskauer for a drafting error that he said cost him his \$636 million stake in a hedge fund he co-founded. This widely followed case was written about in Bloomberg, Reuters, and ABA Journal.

Mr. Berry serves on the co-lead counsel team in an antitrust class action against the country's largest real estate services companies and the National Association of Realtors. The class has reached proposed settlements of over \$900 million with the National Association of Realtors and numerous brokerage defendants to resolve allegations that NAR and several of the nation's largest residential real estate brokerage companies implemented anticompetitive rules requiring real estate agents for home sellers to offer to pay buyer broker fees in addition to their own brokers' commissions.

Mr. Berry previously won a \$50.3 million jury verdict on behalf of Green Mountain Glass in its patent infringement lawsuit against Ardagh Glass, Inc. when a federal jury in Wilmington, Delaware found Ardagh, formerly known as Saint-Gobain Containers, willfully infringed upon Green Mountain's patented technology that allows glass manufacturers to use recycled glass of mixed colors. A final payment of \$64.5 million was later made to Green Mountain. This verdict was profiled by Law360, and ranked among the *National Law Journal's* "Top 100 Verdicts" of that year—it was ranked #34 overall and the 4<sup>th</sup> highest IP verdict. Read more.

Mr. Berry also represented Frank McCourt in marital proceedings in Los Angeles Superior Court that involved a dispute over the ownership of property, including the Los Angeles Dodgers. After the parties settled the original dispute, Jamie McCourt later sought to set aside the Stipulated Judgment and Marital Settlement Agreement, claiming that she did not know that the Dodgers Assets could sell for an amount exceeding \$2 billion. After a hearing on the motion, the Court issued a Statement of Decision that rejected each of Jamie's claims. The California Court of Appeal denied her appeal and the California Supreme Court denied her petition for review. Read more in the LA Times, the San Diego Tribune, AmLaw Daily, or here.

## BACKGROUND

Mr. Berry joined Susman Godfrey after serving as a legal clerk to the Honorable Stephen S. Trott of the Ninth Circuit and as a legal extern to the Honorable Robert Lasnik of the Western District of Washington. He is a 20+ year member of the William L. Dwyer American Inn of Court and has been

recognized by leading law publications such as *Benchmark Litigation*, *Law360*, and *Lawdragon* for his winning work.

## Notable Representations

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### Antitrust

- ***Moehrl, et al., v. National Association of Realtors, et al.* (N.D. Ill.); *Gibson, et al. v. National Association of Realtors, et al.* (W.D. Mo.).** Serving as part of the co-lead counsel team against the country's largest real estate services companies and the National Association of Realtors in litigation related to NAR's anti-competitive actions. The class has reached proposed settlements of over \$900 million with the National Association of Realtors and numerous brokerage defendants. [Read more.](#)
- ***In re Animation Workers* (N.D. Cal.)** Secured over \$168 million in settlements, before fees and expenses, for a class of animation employees in a consolidated class action antitrust lawsuit against many of the nation's largest animation companies, including Pixar, DreamWorks, Disney, Sony, and Lucasfilms. Plaintiffs alleged they were subject to wage suppression because of "no poaching" agreements by employers. Berry ran the case day-to-day for Susman Godfrey and took many of the key depositions, including deposing DreamWorks co-founder and CEO, Jeffrey Katzenberg. For his outstanding work on this case, Mr. Berry was recognized by the American Antitrust Institute for "[Outstanding Antitrust Litigation Achievement by a Young Lawyer.](#)"
- ***Curtis Markson et al. v. CRST International Inc. et al.* (C.D. Cal.)** Secured over \$10 million in total (net award after fees and expenses not yet determined) for a class of truck drivers who filed a class action against various trucking companies alleging truck companies colluded to keep compensation low by agreeing not to hire employees who were under contract with another company, in violation of both state and federal laws.

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### Intellectual Property

- ***Waymo LLC v. Uber Technologies Inc.* (N.D. Cal.)** Represented Uber in one of the most prominent intellectual-property trials in years. The case involved allegations that Uber had misappropriated Waymo trade secrets and infringed Waymo patents relating to self-driving car technology. The lawsuit attracted attention around the world. Mr. Berry deposed Waymo's damages expert and then filed the motion to exclude the expert and his \$1.86 billion damages model, which was granted, leaving Waymo with no damages expert for trial. The case settled during the first week of trial. Read coverage in [Bloomberg](#) and [Reuters](#).
- ***Green Mountain Glass v. Ardagh* (D. Del.)** Won a \$50.3 million jury verdict on behalf of Green Mountain Glass in its patent infringement lawsuit against Ardagh Glass, Inc. The federal jury in Wilmington, Delaware found Ardagh, formerly known as Saint-Gobain Containers,

willfully infringed Green Mountain's patent No. 5,718,737 for technology that allows glass manufacturers to use recycled glass of mixed colors. A final payment of \$64.5 million was later made to Green Mountain. This verdict was profiled by Law360, and ranked among the *National Law Journal's* "Top 100 Verdicts of 2017"—it was ranked #34 overall and the 4th highest IP verdict of the year. [Read more.](#)

- ***LightGuide, Inc. v. Amazon.com, Inc. and Amazon.com Services LLC* (E.D. Tex, W.D. Wa.)** Served as lead counsel to LightGuide in willful patent infringement action against Amazon.com regarding projected augmented reality systems used in robotic fulfillment centers. After Amazon's motion to transfer venue was defeated, the case settled out of court during fact discovery and prior to *Markman*. Read more [here](#), [here](#), and [here](#).
- ***SpaceTime3D v. Samsung and LG* (E.D. Tex.)** Achieved multiple favorable settlements for SpaceTime3D in its patent litigation against Samsung and LG.
- ***Certain Power Semiconductors, and Mobile Devices and Computers Containing Same* (International Trade Commission)** Served as lead counsel for the Complainant, Arigna Technology, in an International Trade Commission Investigation alleging that several of the world's leading mobile phone companies including Apple, Samsung, Google, OnePlus, LG, and TCL infringed a semiconductor patent.
- ***Arigna Technology Limited v. Nissan Motor Co. et al.* (E.D. Tex.)** Served as lead counsel for Arigna Technology Ltd. in a patent infringement action against automakers and component manufacturers in cases concerning semiconductor technology used in automotive radar components and power inverters as well as automotive engine control units. Successfully defeated case-dispositive motions. Cases were settled on confidential terms on the eve of trial.
- ***Barkan v. Samsung, Verizon, Nokia, T-Mobile, Commscope* (E.D. Tex.)** Represented Barkan Wireless in three separate patent infringement lawsuits against industry leaders T-Mobile, Nokia, Sprint, CommScope, Samsung, and Verizon. The cases alleged that the defendants infringed three patents held by Barkan Wireless related to femtocell technology. The cases settled on the eve of trial for favorable, confidential sums.
- ***Nobots LLC v Google LLC* (W.D. Tex.)** Serves as lead counsel to Nobots in patent infringement action against Google regarding improved CAPTCHA technology for assessing confidence levels that a computing device interacting with a server is a human being rather than an autonomic computer application or bot.
- ***Ethanol Boosting Systems / MIT v. Ford Motor Company* (D. Del and Federal Circ.)** Serves as lead counsel to Ethanol Boosting Systems and the Massachusetts Institute of Technology in a patent infringement battle against Ford involving groundbreaking engine technology used in dual-

injection engines. The Appeals Court reversed an unfavorable, case-dispositive claim construction and remanded the suit, allowing his clients infringement claims to proceed. Read more about the case in [Law360](#), [Reuters](#), and [IPWatchDog](#).

- **Zillow Inc. v. Trulia Inc. (W.D. Wash.)** Represented Zillow in a patent infringement action against Trulia. Zillow successfully resolved the litigation after defeating Trulia's motion to dismiss.
- **Interval Licensing LLC v. AOL, Inc., et al. (W.D. Wash.)** Represented Interval Licensing in a patent litigation against eleven defendants, including Google, Yahoo, Apple, eBay, Facebook, and AOL. Interval Research was founded by Paul Allen in 1992 to perform advanced research and development in the areas of information systems, communications, and computer science. Interval was issued approximately 300 patents in less than a decade, and four of those patents are the patents-in-suit. See articles about the case [here](#) and [here](#).
- **VoiceAge Corp. v. RealNetworks, Inc. (S.D.N.Y.)** Defended RealNetworks in an action where VoiceAge was seeking over \$30 million in damages for a purported breach of a patent licensing agreement involving the RealPlayer. After defeating VoiceAge's motion for summary judgment, the case settled for a confidential amount.

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## Malpractice

- **Legal Malpractice: Adelman v. Proskauer (Suffolk County Superior Ct. Mass.)** Secured a confidential settlement with Proskauer Rose on behalf of California venture capitalist, Robert Adelman, who blamed Proskauer for a drafting error that he said cost him his \$636 million stake in a hedge fund he co-founded. This closely watched case was written about in [Bloomberg](#), [Reuters](#), and [ABA Journal](#).
- **Audit Malpractice: Metropolitan Mortgage v. PricewaterhouseCoopers (E.D. Wash.)** Secured a \$30 million settlement for the bankruptcy estate of Metropolitan Mortgage in an audit malpractice case against PricewaterhouseCoopers in Washington federal court.

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## Complex Commercial Litigation

- **United States ex rel. David M. Kester v. Novartis Pharmaceuticals (S.D.N.Y.)** Secured a [\\$450 million settlement](#)—one of the largest ever in the United States by a single whistleblower—in a landmark False Claims Act lawsuit against the Swiss drug manufacturer Novartis Pharmaceuticals Corporation. Berry represented a whistleblower who alleged that Novartis defrauded the Medicare and Medicaid programs by illegally paying kickbacks to pharmacies so they would recommend to doctors and patients six of Novartis' specialty medications. Mr. Berry led efforts on several critical depositions of the Novartis and Bioscrip

executives, including Novartis's in-house and outside counsel relating to its advice of counsel defense. [Read more.](#)

- ***Medivation v. UC Regents and Aragon (San Francisco Superior Court, Complex Division)*** Represented Aragon Pharmaceuticals in a breach of contract action against the Regents of the University of California alleging that it owns the right to develop certain chemical compounds for the treatment of advanced stages of prostate cancer that the Regents had licensed to Aragon, including the compound ARN-509. Mr. Berry obtained leave of court for Aragon to intervene in the action to protect its property interest in the compounds and an accelerated discovery schedule that allowed the team to complete fact and expert discovery and file summary judgment motions in less than a year after the case was first assigned to a judge. The court granted Aragon's motion for summary adjudication and held that Medivation has no rights to the compounds that were licensed to Aragon. The court then dismissed Medivation's remaining claims, granted Aragon all the relief sought in its complaint, and held that Aragon was entitled to final judgment in its favor. Less than four months after final judgment was entered in Aragon's favor, Johnson & Johnson announced that it would acquire Aragon for \$650 million in cash up front along with \$350 million in contingent development milestone payments. [Read more.](#)
- ***In re Marriage of McCourt (L.A. Sup. Ct.)*** Represented Frank McCourt in the marital proceedings pending in Los Angeles Superior Court that involved a dispute over the ownership of property, including the Los Angeles Dodgers. Jamie McCourt also sought to set aside the Stipulated Judgment and Marital Settlement Agreement, claiming that she did not know that the Dodgers Assets could sell for an amount exceeding \$2 billion. After a hearing on the motion, the Court issued a Statement of Decision that rejects each of Jamie's claims. The California Court of Appeal denied Jamie's appeal and the California Supreme Court denied Jamie's petition for review. Read more in the [LA Times](#), the [San Diego Tribune](#), [AmLaw Daily](#), or [here](#).
- ***Union Oil Company of Cal. v. Forest Oil Corp. (D. Alaska)*** Successfully represented Forest Oil Corporation in an action in Alaska federal court in which Union Oil sued Forest Oil seeking over \$48 million in damages alleged to have been incurred in the operation of oil and gas leases in Alaska. This case settled for a confidential amount.
- ***Defense of Wage and Hour Class Action.*** Represented one of the world's largest retailers in a wage and hour class action with over 65,000 class members in Massachusetts State Court.

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## Insurance

- ***Lincoln Life & Annuity Co. of New York v. Berck (California Court of Appeals)*** Won reversal in a \$20 million life settlement rescission lawsuit against Lincoln Life & Annuity Company of New York in the California

Court of Appeal. Lincoln's lawsuit was based on allegations that the insurance policies lacked an insurable interest because they were procured by third-parties for investment purposes and because there were net worth and other misrepresentations in the applications. The California Court of Appeal reversed the trial court and ordered that the trial court enter judgment in favor of the trust. The Court of Appeals opinion is available at 2011 WL 1878855 (2011). A copy of the appellate court decision is available [here](#).

- ***Lincoln National Life Ins. Co. v. Snyder (D. Del.)*** Served as counsel to an insurance trust in a case involving an \$18.5 million life insurance policy issued by Lincoln National Life Insurance Company. Lincoln sought a declaration that the policy was void ab initio and that Lincoln was entitled to keep over \$1.6 million in premiums that the trust paid. The trust obtained a favorable settlement after it successfully obtained an order from the court that the trust was entitled to a full refund of premiums plus interest should Lincoln rescind the policy for lack of insurable interest. (722 F. Supp. 2d 546 (D. Del. 2010)).

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## Bankruptcy

- ***In re Lehman Brothers Bankruptcy (Bankruptcy Ct., S.D.N.Y.)***  
Retained as litigation counsel by Lehman Brothers International (Europe) (in administration) to oppose confirmation of the bankruptcy plan filed by Lehman Brothers Holdings Inc., the worldwide corporate parent. LBHI's proceedings in the Southern District of New York entailed the largest bankruptcy in U.S. history. LBIE prepared to litigate LBHI's proposed use of "substantive consolidation" to ignore the separate existence of LBIE. With discovery underway and the confirmation hearing looming, LBHI settled with LBIE, thereby resolving claims among the two and certain of their affiliates worth over \$3 billion.

## Honors & Distinctions

- IAM Patent 1000: Worlds Leading Patent Professionals ([2023](#), [2024](#))
- *Lawdragon* 500 Leading Lawyer ([2025](#))
- *Lawdragon* 500 Leading Litigator (2022, [2023](#), [2024](#))
- *Lawdragon* 500 Leading Plaintiff Financial Lawyers ([2019](#), 2020, [2021](#), [2022](#), [2023](#), [2024](#), [2025](#))
- National Impact Case of the Year Award, Benchmark Litigation ([2019](#))
- Recognized Lawyer: Antitrust, The Legal 500 ([2017](#), [2018](#), [2019](#))
- Rising Star – Intellectual Property, *Law360* ([2018](#))
- Rising Star – Best in Litigation : General Commercial, Euromoney Legal Media ([2018](#))

- Outstanding Antitrust Litigation Achievement by a Young Lawyer, American Antitrust Institute ([2017](#))
- Under 40 Hot List, Benchmark Litigation ([2017](#), [2018](#), [2019](#))
- Rising Star – Trials, *Law360* ([2017](#))
- Plaintiffs Bar Perspective, *Law360* (2017)
- Washington Super Lawyer, *Law & Politics Magazine* (2013, [2014](#), [2015](#), [2016](#), [2017](#), [2018](#), [2019](#), [2020](#), [2021](#), [2022](#), [2023](#), [2024](#))
- Member, William L. Dwyer American Inn of Court

## *Clerkships*

Honorable Stephen S. Trott, United States Court of Appeals for the Ninth Circuit

Legal Extern to the Honorable Robert S. Lasnik, United States District Court for the Western District of Washington

## *Education*

**University of Washington School of Law** (J.D., with High Honors)

- Executive Articles Editor, *Washington Law Review*
- Author, Does Delaware's Section 102(b)(7) Protect Reckless Directors from Personal Liability? Only if Delaware Courts Act in Good Faith, 79 *Wash. L. Review*. 1125 (2004).
- Vice President, Moot Court Honor Board
- Order of the Coif

**The University of Idaho** (B.S., Finance, summa cum laude)

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## *Admissions*

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### **Bar Admissions**

- Washington
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### **Court Admissions**

- United States Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Western District of Washington
- U.S. District Court for the Eastern District of Washington
- U.S. District Court for the Eastern District of Texas
- U.S. Court of Appeals for the Ninth Circuit



- U.S. Court of Appeals for the Fifth Circuit