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LEADING COMMERCIAL LITIGATORS 2025



DANIEL J. BERGESON

BERGESON LLP

SAN JOSE

SECURITIES • IP • BUSINESS LITIGATION

INVESTIGATIONS & WHITE COLLAR DEFENSE

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A Silicon Valley legal pioneer, Daniel J. Bergeson opened the litigation boutique Bergeson LLP in 1990 after helping establish the litigation practice at Wilson Sonsini Goodrich & Rosati.

Bergeson is immersed in Silicon Valley's business, venture capital and tech ecosystem. He represents companies,

founders, entrepreneurs, C-level executives, directors and special committees in high stakes litigation and investigations. He has tried numerous cases throughout California, Delaware and New York and has conducted more than 40 investigations.

In 2011, he co-founded the venture fund Ascolta Ventures, LLC, with Michael Abbott, a former general partner at Kleiner Perkins.

Bergeson has watched Silicon Valley grow. "From brilliant people doing brilliant things amid wide-open opportunities, it's become even more than that: an economic juggernaut that moves the world's economy," he said.

In October, Bergeson was in Napa County for the annual seminar of the Association of Business Trial Lawyers — he's on the board — and he recalls hearing OpenAI's general counsel, Che Chang, discuss meeting Germany's minister of justice and other international legal figures. "This is the global impact the Valley has come to have," Bergeson said.

He got a good look at the San Francisco legal scene when, fresh out of law school, he clerked for U.S. District Judge Samuel Conti, a legendary Northern District jurist known for tough sentences. "He was a Nixon appointee and very conservative, but also very

fair to defendants," Bergeson said.

Despite his high regard for San Francisco, Bergeson said he gravitated to Silicon Valley because the law firms there seemed less hidebound. "San Francisco firms were a little behind the curve in opening Silicon Valley offices and recognizing its potential."

Bergeson represented five former Tesla, Inc. employees accused of trade secrets theft after they left to work for rival Rivian Automotive Inc. *Telsa Inc. v. Rivian Automotive Inc.* 20CV368472 (S. Clara Co. Super. Ct., filed July 17, 2020).

Bergeson also represented OpenAI Chairman Bret S. Taylor and Lawrence H. Summers in their roles as members of OpenAI's special committee of the Board of Directors in connection with the November 2023 termination of Sam Altman.

And he has successfully resisted the plaintiffs' efforts to obtain a temporary restraining order against his client, Proton Management Ltd., in a trade secrets case involving bitcoin. *Electric Solidus Inc. d/b/a Swan Bitcoin v. Proton Management Ltd. et al.*, 2:24-cv-08280 (N.D. Cal., filed Sept. 25, 2024).

"There's no basis for a preliminary injunction or a TRO," Bergeson said. "You need evidence to prevail."