

# Elizabeth K. McCloskey

Partner

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San Francisco

Elizabeth McCloskey is a partner in the San Francisco office of Gibson, Dunn & Crutcher. Her practice focuses on high-stakes, complex litigation across a range of subject matters, including founder disputes, trade secret challenges, copyright, antitrust, employment and breach of contract actions, white-collar criminal defense cases and investigations. Ms. McCloskey has significant trial experience.

Ms. McCloskey earned her J.D. from the University of California Berkeley School of Law, where she was a member of the Order of the Coif and served on the *California Law Review* and *Berkeley Journal of Criminal Law*. Ms. McCloskey clerked for Judge Valerie B. Fairbank of the U.S. District Court for the Central District of California and Judge John T. Noonan Jr. of the U.S. Court of Appeals for the Ninth Circuit. Prior to attending law school, McCloskey worked as a journalist.

## Select Representative Matters\*

- Represented a ride-sharing platform in actions brought by the California Attorney General and Labor Commissioner, addressing issues critical to the “sharing” economy: whether drivers have been misclassified as independent contractors rather than employees.
- Defended a fast-growing commercial real estate marketplace against a copyright and unfair competition lawsuit brought by a competitor and asserting counterclaims alleging antitrust violations, unfair competition, trademark infringement and false advertising.
- Secured a complete defense verdict on behalf of a cloud networking company in a high-profile copyright and patent case which raised the important question of whether and to what extent functional computer commands merit copyright protection. After a two-week trial, the jury returned a verdict in favor of Ms. McCloskey’s client on both the copyright and patent claims.
- Represented the former CEO of a major consumer products company in a five-week jury trial in the Northern District of California against charges that he conspired to fix prices of products sold in the United States.
- Represented a pharmaceutical company in an antitrust case alleging an anti-competitive reverse payment arising out of a patent litigation settlement concerning a narcolepsy medication.
- Represented a communications company in a trade libel, defamation, and false advertising suit. Ms. McCloskey succeeded in significantly narrowing the case against her client on summary judgment and then favorably resolved the remainder of the litigation on the eve of trial.
- Represented a biotechnology company in a federal trade secret theft lawsuit alleging that its former scientists, several of whom have also been charged



## Capabilities

Litigation  
Antitrust and Competition  
Consumer Protection  
Crisis Management  
Intellectual Property  
Labor and Employment  
Law Firm Defense  
Media, Entertainment, and Technology  
Privacy, Cybersecurity, and Data  
Innovation  
Tech and Innovation  
Trials  
White Collar Defense and Investigations

## Credentials

### Education

University of California - Berkeley - 2009  
Juris Doctor  
Georgetown University - 2003 Bachelor of Arts

### Admissions

California Bar

### Clerkships

US Court of Appeals, 9th Circuit, Hon.  
John T. Noonan, 2011 - 2012  
USDC, Central District of California, Hon.  
Valeria Baker Fairbank, 2010 - 2011

criminally by the U.S. Department of Justice, stole confidential and proprietary information to help a foreign company develop biosimilar versions of medicines.

- Represented a professional athlete in a False Claims Act case brought by another athlete and joined by the United States. The case settled. The team's prior representation of the client resulted in the closing of a federal criminal investigation without charges being filed.

*\* Matters handled prior to joining Gibson, Dunn & Crutcher*

#### **Clerkships**

Hon. John T. Noonan Jr.  
U.S. Court of Appeals for the Ninth Circuit, 2011-2012

Hon. Valerie Baker Fairbank  
U.S. District Court for the Central District of California, 2010-2011

#### **Professional Affiliations**

- U.S. District Court for the Northern District of California Historical Society, Board of Directors
- Women's White Collar Defense Association, Program Committee
- The Bar Association of San Francisco, Litigation Section

#### **Awards & Honors**

*UC Berkeley School of Law*

- Order of the Coif
- Prosser Prize, Intellectual Property in the Entertainment Industry
- Articles Editor, California Law Review
- Executive Articles Editor and Symposium Editor, Berkeley Journal of Criminal Law
- Member, Berkeley Technology Law Journal

*Georgetown University*

- The Edward B. Bunn Award for Journalistic Excellence
- News Editor and Senior Writer, The Georgetown Voice

#### **Presentations & Publications**

- Views From the Bottom: Hot Issues & Trends in White Collar Fraud Enforcement, ABA White Collar Crime Subcommittee for Northern California
- Case Study: Packaged Seafood — The Anatomy of an Extraordinary Cartel Matter, *Global Competition Review*

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