Elizabeth K. McCloskey

Partner

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San Francisco



Elizabeth McCloskey is a partner in the San Francisco office of Gibson Dunn. Elizabeth serves as co-chair of the firm's Technology Litigation Practice Group. She is also a member of Gibson Dunn's Litigation, Intellectual Property, Antitrust, and Trials Practice Groups.

Elizabeth's practice focuses on complex high-stakes trials, technology and privacy disputes, and intellectual property and antitrust litigation. She has represented corporate and individual clients in a wide range of litigation, including privacy, copyright, trademark, trade secret, defamation, antitrust, and employment actions, as well as white-collar criminal defense cases and investigations. Elizabeth is an experienced trial litigator.

Elizabeth 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*. Elizabeth 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. Before law school, Elizabeth worked as a journalist.

Representative Trials*

- Achieved a complete jury defense verdict in a trademark infringement suit brought against TikTok Inc. and ByteDance Ltd. where the jury unanimously rejected claims regarding TikTok's "stitch" tool.
- Achieved a complete defense verdict on behalf of a cloud networking company in a high-profile copyright and patent case. After a two-week trial, the jury returned a verdict in favor of Elizabeth's client on all claims.
- Achieved a defense verdict in an arbitration on behalf of a technology-focused venture fund in a founder dispute.
- 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 major social media platform in putative class action jury trial alleging privacy violations under the California Invasion of Privacy Act.
- Represented a technology platform in arbitrations relating to alleged violations of the Truth in Lending Act, deceptive lending practices and breach of contract.

Representative Matters*

- Representing a major social media platform in putative class actions alleging privacy violations under the Wiretap Act, the California Invasion of Privacy Act, common-law privacy doctrines, breach of contract, among other claims.

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
Technology Litigation
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

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- Representing DoorDash in an enforcement action filed by the City of Chicago seeking restitution and penalties for allegedly false advertising, misleading menu pricing, deceptive promotions, and tipping practices.
- Representing global professional services company in offensive trade secret competitor case pending in the Northern District of Texas.
- 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.
- Represented 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.
- Represented a communications company in a trade libel, defamation, and false advertising suit. Elizabeth 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 were also charged 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.
- 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.

** Includes matters handled prior to joining Gibson, Dunn & Crutcher*

Awards & Honors

- Daily Journal – Top Defense Result (February 2024)

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*

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

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

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Education

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*

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