Casey J. McCracken

Partner

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Orange County



Casey J. McCracken is a partner in the Orange County office of Gibson, Dunn & Crutcher LLP and a member of the Litigation, Intellectual Property, and Artificial Intelligence practice groups. His practice focuses on complex commercial litigation, with a focus on technology litigation, including patent litigation, software copyright, trade secret, artificial intelligence, unfair competition, contract disputes, and licensing. Casey also defends law firms in legal malpractice cases, including those involving underlying intellectual property matters.

Casey has successfully represented clients in numerous high-stakes intellectual property and technology cases and several trials, including “bet the company” cases and numerous cases alleging damages over $1 billion. His work spans a variety of technologies, including cellular network technology, software, digital devices, smartphones, medical devices, and mechanical apparatuses. Casey also has substantial experience litigating business contract and tort claims, including breach of contract, false advertising, unfair competition, and interference. He has also represented technology companies and their directors in class actions, including, data privacy, employment discrimination and breach of fiduciary duty cases. Casey’s clients range from Fortune 500 (and Fortune 10) companies to growing start-ups.

Recent representative matters include:

- Lead member of the trial team that successfully represented a leading enterprise resource planning software support company in a case alleging over $1 billion in damages; defense caused the opponent to drop all damages claims on the eve of trial.
- Second-chaired trial for a leading enterprise resource planning software support company in an action to enforce an injunction.
- Key member of trial team defending VMware and Dell EMC against plaintiff WSOU’s $435 million claim of infringement of three patents related to cloud computing. On third day of jury trial, won first ever directed verdict of non-infringement before Judge Albright in the Western District of Texas, leading to a complete defense victory.
- Key member of the trial team that successfully defended Hewlett Packard Enterprises in a software copyright trial, obtaining a jury verdict for a fraction of the damages sought.
- Argued and won an appeal for a major accounting and consulting firm, obtaining full recovery of over $1 million in e-discovery costs—the largest award recorded in any California decision.
- Member of the trial team that won a complete defense verdict for T-Mobile in patent infringement case involving cellular networking technology.

Capabilities

Litigation
Accounting Firm Advisory and Defense
Artificial Intelligence
Intellectual Property
Law Firm Defense
Media, Entertainment, and Technology
Privacy, Cybersecurity, and Data Innovation
Sports Law
Tech and Innovation
Technology Litigation
Trials

Credentials

Education

Stanford University - 2009 Juris Doctor
Stanford University - 2006 Bachelor of Arts
Stanford University - 2006 Bachelor of Science

Admissions

California Bar

Clerkships

USDC, Western District of Washington, Hon. Ricardo S. Martinez, 2009 - 2010

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- Defended a major accounting and consulting firm in an action for breach of contract involving a software contract, obtaining a complete dismissal with prejudice of a multi-hundred-million-dollar claim, and exposing a massive fraud committed by the Plaintiff and its counsel.
- Successfully represented an AmLaw 50 law firm in arbitration alleging over $300 million in damages for alleged malpractice relating to a complex transaction.
- Represented a video game company in connection with a gender discrimination class action with a focus on pay equity claims and defenses.
- Secured dismissal, on behalf of a mid-size technology company, of Digital Millennium Copyright Act, computer hacking, and competition claims brought by a Broadcom subsidiary.
- Successfully represented a major AmLaw 100 law firm in complex litigation involving an alleged Ponzi scheme.
- Successfully represented the San Diego Padres in a class action alleging breach of the covenant of good faith and fair dealing with respect to certain fans.
- Successfully represented the Los Angeles Rams in multiple matters related to stadium seat licenses.

Casey has been repeatedly named as a “Rising Star” by *Super Lawyers* magazine. Casey has also been recognized by *The Best Lawyers in America*® in the area of Commercial Litigation. He has practiced in federal courts throughout the country, California state court, and federal and state appellate courts.

Prior to joining Gibson Dunn, Casey served as a judicial clerk for United States District Judge Ricardo S. Martinez in the Western District of Washington. He graduated *Order of the Coif* from Stanford Law School. He holds a Bachelor of Science degree in mathematics with distinction and a Bachelor of Arts degree in economics with honors and distinction, both from Stanford University.

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