

# Matthew Caplan

Partner



mcaplan@cooley.com

+1 415 693 2164

San Francisco

Los Angeles Santa Monica

Trade Secret Litigation and Dispute Counseling

Intellectual Property Litigation

Trials

Virtual Reality/Augmented Reality

Class Action Litigation

Commercial Litigation

Healthcare

Post Acquisition Disputes and Advisory

Venture Capital Litigation and Dispute Counseling

Internet and Social Media

Issues and Appeals

Matt has a multifaceted practice representing innovators and disruptors in their most important disputes. His experience includes trade secret and intellectual property litigation, M&A-related claims and litigation, founder disputes, class actions, corporate governance issues, competition cases, employment-related claims, defamation and healthcare litigation. He has successfully represented a wide range of clients through trial and appeal. Matt approaches his practice pragmatically – working in tandem with clients to get the best results – whether that means looking for ways to avoid disputes, resolving a case early or winning in court.

**Matt’s representative matters include:**

*Intellectual property cases*

- Representing a virtual reality company in a multibillion-dollar dispute
- Advising a public company in a dispute over data center designs and technology
- Handling M&A-related trade secret litigation
- Representing clients in name, image and likeness disputes
- Advising on medical device and life sciences trade secret litigation
- Advising on consumer product competitor trade secret litigation
- Handling competitor litigation between providers of dating apps and related products
- Advising on communication and messaging patent litigation
- Representing clothing retailers and garment vendors in copyright disputes
- Handling a virtual reality trademark dispute
- Managing employment-related trade secret actions
- Representing a modeling agency in a trademark licensing dispute

*Class actions*

- Defending a previously certified class action where the plaintiffs sought \$1 billion and obtaining decertification
- Representing various companies – including cosmetics companies, food and beverage companies,

automotive manufacturers, national homebuilders and rental car companies – in multiple consumer class actions involving the Consumer Legal Remedies Act, unfair competition, false advertising, product labeling, product liability, the Unruh Civil Rights Act, the Americans with Disabilities Act, the Telephone Consumer Protection Act (and similar state laws) and other consumer protection claims; many of these cases resulted in dismissals or orders refusing to certify a class

- Achieving class action victories – including dismissals on motions to dismiss and demurrers – as well as cases where dismissals were affirmed on appeal by the US Court of Appeals for the Ninth Circuit and the California Courts of Appeal

#### Other complex litigation

- Representing a major health insurance company in a series of ongoing disputes and investigations – including provider disputes, Employee Retirement Income Security Act claims and coverage disputes
- Advising several health insurance companies in high-profile, out-of-network provider litigation
- Defending defamation claims against high-profile individuals
- Representing a former chief financial officer of a multibillion-dollar public company in multiple high-profile, securities-related litigations – including derivative claims, class actions and Securities and Exchange Commission civil litigation
- Advising clients in earnout and milestone disputes
- Defending a \$147 million going-private transaction against a shareholder challenge

#### *Appellate*

- Briefing and arguing several appeals in the Ninth Circuit, California Courts of Appeal and California Supreme Court
- Achieving affirmances of dismissals of class actions, denials of class certification and favorable judgments

## Education

University of California, Los Angeles School of Law  
JD, 2008

University of California, Los Angeles (UCLA)  
BA, 2004

## Admissions & Credentials

California

## Court Admissions

US Court of Appeals for the Ninth Circuit

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Northern District of California

US District Court for the Southern District of California

## Rankings & Accolades

Southern California Super Lawyers: Rising Star (2013-present)