

## Patrick J. Hayden

Special Counsel



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New York

Supreme Court and Appellate  
Commercial Litigation  
Securities Litigation + Enforcement  
Pro Bono

Pat focuses on high-stakes appeals and complex civil litigation, with a practice spanning commercial, regulatory and constitutional matters. He has led the drafting of dozens of appellate briefs and presented oral argument in federal courts of appeals nationwide. Pat also brings significant trial litigation experience, particularly in drafting critical briefs, preserving appellate issues and addressing complex legal challenges at trial. Pat has been recognized as “One to Watch” in Appellate Practice and Securities Litigation by Best Lawyers in America.

Pat’s work has covered a range of subject areas, including securities, intellectual property, antitrust, bankruptcy and constitutional law. He also maintains an active pro bono practice, addressing issues such as reproductive freedom, racial justice, gun violence protection and LGBTQ+ equality.

Before joining Cooley, Pat served as a law clerk to Judge Kim M. Wardlaw of the US Court of Appeals for the Ninth Circuit and Judge Ronnie Abrams of the US District Court for the Southern District of New York (SDNY). In 2024, he earned a “shoutout” on The American Lawyer’s Litigation Daily Litigator of the Week Runners-Up and Shout-Outs list for successfully arguing an appeal to the US Court of Appeals for the Fifth Circuit, resulting in the reversal of a district court’s summary judgment ruling. He also earned a runner-up spot for his role in a successful Federal Circuit appeal in an intellectual property dispute, resulting in the reversal of a district court’s preliminary injunction.

Pat is a graduate of Yale Law School, where he served as an editor of the Yale Law Journal, executive editor of the Yale Journal of Law & Technology, and co-director of the Media Freedom and Information Access Clinic. Before law school, Pat was an investment banking analyst at J.P. Morgan. While pursuing his undergraduate degree at Yale University, he was a member of the varsity swimming and diving team.

**Pat’s representative matters include:**

*Securities, bankruptcy and antitrust*

- Argued a successful Ninth Circuit appeal on behalf of Talphera, Inc., resulting in a total victory dismissing a putative securities class fraud action in a precedential opinion
- Representing NVIDIA and certain of its officers in US Supreme Court and Ninth Circuit appeals challenging a putative securities fraud class action

- Representing an official committee of creditors in Third Circuit appeals involving the bankruptcy of a major talc manufacturer
- Representing a generic drug manufacturer in a Third Circuit appeal involving antitrust claims
- Represented an investment fund in a DC Circuit appeal challenging a federal agency's policies and procedures under the US Administrative Procedure Act

### *Technology and intellectual property*

- Represented EOFlow in a successful Federal Circuit appeal in an intellectual property dispute, overturning a district court's preliminary injunction
- Represented a major communications platform in a successful Ninth Circuit appeal, reversing the denial of motion to dismiss claims related to the alleged failure to remove certain material
- Representing a major communications platform in trial-court actions and appeals challenging claims related to decisions to remove certain third-party content
- Represented Liquidia Technologies in Supreme Court proceedings related to alleged patent infringement
- Represented Vrbo in a successful Fourth Amendment challenge to a municipal law mandating the disclosure of customer records in the SDNY\*

### *Pro bono*

- Argued a successful Fifth Circuit appeal on behalf of an individual in a constitutional challenge to police officers' seizure and use of force, resulting in the reversal of a district court's decision
- Argued a successful Ninth Circuit appeal on behalf of a noncitizen challenging a removal order, resulting in a remand to the agency\*
- Represented a West Virginia abortion clinic in successfully challenging the state's 19th century criminal ban on abortion care
- Represented nonprofit groups in a successful First Amendment challenge to a state law mandating the disclosure of nonprofit donors in the SDNY\*
- Represented nonprofit organizations, legal scholars, former military leaders and others in more than a dozen Supreme Court amicus briefs

\* Representation handled before joining Cooley

## Education

Yale Law School JD, 2014

Yale University BA, History, cum laude, 2008

## Admissions & Credentials

New York

## Court Admissions

US Supreme Court

US Court of Appeals for the First Circuit

US Court of Appeals for the Second Circuit

US Court of Appeals for the Third Circuit

US Court of Appeals for the Fifth Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US Court of Appeals for the Federal Circuit

US Court of Appeals for the District of Columbia Circuit

US District Court for the Southern District of New York

## [Rankings & Accolades](#)

Best Lawyers in America: Ones to Watch – Securities Litigation

Best Lawyers in America: Ones to Watch – Appellate Practice