

## Alex Kasner

Associate



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Washington, DC

Supreme Court and Appellate

Commercial Litigation

Trials

Internet and Social Media

Antitrust Litigation and Enforcement

Cyber/Data/Privacy

Alex is an experienced litigator in complex civil litigation, with particular experience helping clients prevail on critical motions and at trial with an eye toward preserving victory on appeal. He has represented a range of businesses – including internet, digital media and technology companies, as well as world-renowned universities and top law firms – in high-stakes litigation raising novel questions of law, with a focus on First Amendment issues, online content and platform moderation. A member of Cooley's Supreme Court and appellate practice group, Alex has played a leading role in antitrust, trademark, copyright, business tort and First Amendment disputes before the federal courts of appeals. He has argued appeals in federal and state courts, and he has authored numerous amicus briefs in front-page free speech and civil rights litigation before the US Supreme Court.

While Alex works with his clients to successfully navigate all levels of appeal, their partnership begins in the trial court. He has litigated two federal jury trials as well as an arbitration to complete victories, including cutting-edge technology disputes involving virtual reality technology ownership and the Computer Fraud and Abuse Act. He has briefed and argued dispositive motions in federal and state courts, including successfully arguing multiple motions to dismiss before the US District Court for the District of Columbia and assisting a leading law firm in its First Amendment challenge to executive action. Alex also has a substantial track record in free speech and defamation law as a litigator and counselor for clients. He has advised numerous nonprofits on First Amendment challenges to administrative actions, defeated several defamation suits, and helped emerging companies protect their reputation and navigate media attention. Alex also devotes significant time to pro bono work; in addition to his experience with LGBTQ+ advocacy, asylum claims and voting rights protection, he led a successful postconviction effort to challenge a client's death sentence, including presenting opening statement and examining multiple witnesses.

Alex's practice is often dedicated to his clients' most procedurally and substantively complex issues. His work includes groundbreaking cases involving Section 230 of the Communications Decency Act, the Sherman Act, the First Amendment, the Video Privacy Protection Act, the Computer Fraud and Abuse Act, and the Illinois Biometric Information Privacy Act. He has drafted multiple successful anti-SLAPP (strategic lawsuits against public participation) motions to dismiss defamation claims brought against his clients in federal and state courts. Alex also has successfully defended the constitutionality of state law, convinced an arbitral panel to foreclose any grant of general damages as a matter of law, compelled third-party arbitration and secured an anti-suit injunction against transnational litigation. He has extensive experience in summary judgment and post-trial dispositive motions, including overturning a jury verdict on a successful motion for judgment as a matter of law, as well as

motions to certify for interlocutory appeal. In addition, he has a passion for working with expert witnesses – particularly in the technology sector – including defending the depositions of damages, industry and cybersecurity experts; drafting and arguing a half-dozen *Daubert* motions; and examining experts in court.

Alex was born and raised near Sacramento, California. He received his BA from Stanford University and his JD from Stanford Law School, where he was awarded the Steven M. Block Civil Liberties Award for best paper in civil liberties, the Scribes Law-Review Award for best student note in the US, and Gerald Gunther Prizes. He was an articles editor for the Stanford Law Review and co-editor in chief of the Stanford Law & Policy Review. In addition, he worked as a summer law clerk with the appellate staff of the US Department of Justice's Civil Division.

After graduation, Alex clerked for Judge David F. Hamilton of the US Court of Appeals for the Seventh Circuit. He began his professional legal practice at a prominent US law firm in Washington, DC, before joining Cooley.

**Alex's recent representative experience includes:**

*Appeals*

- Representing a leading generative artificial intelligence (AI) company in district court and in appeal in the US Court of Appeals for the Ninth Circuit raising critical and cutting-edge questions of fair use under the Copyright Act
- Representing a major technology company in multiple Ninth Circuit appeals, under antitrust and trademark law, stemming from its platform and app store content moderation enforcement decision and search engine recommendations
- Representing a social media application in a Ninth Circuit appeal seeking to affirm enforcement of an arbitration agreement against the lead plaintiff of a putative class action
- Representing an emerging biopharmaceutical corporation in an antitrust appeal in the US Court of Appeals for the Third Circuit
- Briefing and arguing appeals before the US Court of Appeals for the Seventh Circuit and the Maryland Court of Special Appeals on behalf of clients seeking review of their criminal convictions and sentences
- Drafting amicus briefs in the Supreme Court, US courts of appeals and state courts of last resort on pathbreaking cases involving voting rights, the First Amendment, Section 230 of the Communications Decency Act, LGBTQ+ rights, corporate choice-of-law questions and asylum standards

*Commercial litigation*

- Defending top online travel agencies against Computer Fraud and Abuse Act claims at a jury trial in the US District Court for the District of Delaware (D. Del.)
- Representing leading law firms in multiple cases, including successfully challenging an executive order targeting a firm for First Amendment activity (D.D.C.) and prevailing against defamation actions stemming from the firm's internal investigations (D.C. Super.)\*
- Representing major technology companies in federal defamation suits stemming from platform content moderation, including successfully achieving a grant of the client's anti-SLAPP motion to dismiss (S.D. Fla.; N.D. Cal.)
- Representing global technology, retail and travel companies in privacy and cybersecurity lawsuits, including in cases involving the Biometric Information Privacy Act and the Video Privacy Protection Act (N.D. Ill.; SDNY; D. Mass.; N.D. Ohio)
- Representing a world-renowned research university in federal class action litigation asserting a Sherman Act Section 1 claim based on financial aid practices (N.D. Ill.)
- Serving as lead counsel at a postconviction death penalty evidentiary hearing in Alabama state court, including presenting the opening statement and conducting multiple direct examinations (Ala. Cir. Ct.)
- Defending a major technology company in a federal jury trial against breach of contract and tort claims,

resulting in a successful jury verdict of no liability for the client (N.D. Cal.)

\* Representation handled before joining Cooley

## Publications

- Co-author, "[Over-Prescription Is Bad Medicine: The Case Against a Knee-Jerk Revision of Antitrust Injury](#)," Competition 33 (1), 2023
- Author, "[Local Government Design, Mayoral Leadership and Law Enforcement Reform](#)," Stanford Law Review 69 (2), 2017
- Author, "[The Original Meaning of Constitutional Inventors: Resolving the Unanswered Question of the MadStad Litigation](#)," Stanford Law Review Online 68, 2015
- Author, "[National Security Leaks and Constitutional Duty](#)," Stanford Law Review 67 (1), 2015
- Author, "[Leveski and the Weakening Industry-Wide Public Disclosure Bar in Qui Tam Litigation](#)," Stanford Journal of Complex Litigation 2 (2), 2014
- Author, "[Arena Development and Environmental Review Reform Under SB 743](#)," Stanford Law & Policy Review 25 (1), 2014

## Education

Stanford Law School JD, 2015

Stanford University BA, Political Science, Phi Beta Kappa, with honors and distinction, 2012

## Admissions & Credentials

California

District of Columbia

## Court Admissions

US Supreme Court

US Court of Appeals for the District of Columbia Circuit

US Court of Appeals for the Federal Circuit

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 Seventh Circuit

US Court of Appeals for the Ninth Circuit

US Court of Appeals for the Eleventh Circuit

US District Court for the Northern District of California

US District Court for the Central District of California

US District Court for the District of Columbia

## Rankings & Accolades

The American Lawyer: Litigator of the Week Winner (2021); Shout Out (2023, 2025)

Super Lawyers: Rising Star (2023)

## Memberships & Affiliations

American Bar Association (ABA)

National LGBTQ+ Bar Association