Cooley

# Matthew D. Brown

Partner



brownmd@cooley.com

+1 415 693 2188

San Francisco

Commercial Litigation
Class Action Litigation
Cyber/Data/Privacy
Internet and Social Media
Technology
CooleyREG
Artificial Intelligence
Ecommerce + Marketplace

Matt Brown is a member of Cooley's cyber/data/privacy, commercial litigation, and class action litigation practice groups. He has extensive experience defending companies in cases and government investigations presenting novel issues arising from emerging technologies and business models, including cutting-edge issues involving Internet/cyber law, privacy, data security, artificial intelligence, online platforms, ecommerce, and social media. Matt represents clients in a wide array of cases in state and federal courts across the country and has substantial experience in all major stages of litigation.

Matt also provides counseling to companies that are seeking to assess and to manage potential liability risks. Among other matters, he has advised companies developing innovative digital and web-based products and services, including those that allow for distribution of user-generated content.

Matt has been recognized as a “Client Service All-Star” by BTI based on interviews with general counsel and their direct reports. He has been recommended by Legal 500 US in the areas of Data Privacy, Data Protection, and Cyber Law, and was named a “Top Incident Response Leader” by Cybersecurity Docket. Since 2009, Matt has been an elected member of The American Law Institute (ALI), where he has served on the Members Consultative Group for the ALI’s Principles of the Law, Data Privacy. He was recently selected for Lawdragon’s inaugural editions of “500 Leading Litigators in America” and “500 Leading Global Cyber Lawyers,” and is recognized in the 2026 edition of The Best Lawyers in America for commercial litigation.

Representative litigation matters:

Privacy, internet and intellectual property

- Represented or continues to represent Facebook, Instagram, LinkedIn, eBay, Google, YouTube, HTC, Twitter and Upsight in numerous privacy and data-breach class actions raising a variety of legal theories and claims.
- *In re iPhone/iPad Application Consumer Privacy Litigation*: Represented five mobile-industry companies (AdMarvel, Medialets, Millennial Media, The Weather Channel and Backflip Studios) named as defendants in a series of class actions alleging that Apple and various mobile application developers, publishers and advertising-related companies improperly obtained information from users of iPhone and iPad devices.

- *Capitol Records VideoEgg and Hi5 Networks*: Represented operator of social networking website, Hi5.com, in case in which plaintiff music recording and publishing companies alleged copyright infringement on basis of website users' uploading of video files.
- *MGM Studios Grokster*: Prepared amicus brief in the US Supreme Court on behalf of nine emerging technology companies in landmark case involving secondary liability for copyright infringement in the context of peer-to-peer file-sharing software. Brief was cited in the court's unanimous opinion. Provided commentary on the decision for an NPR news report.
- *Kathleen v. City of Livermore*: Authored amicus brief and successfully argued before California Court of Appeal on behalf of 100+ cities and counties on issue of first impression in courts nationwide – whether §230 of federal Communications Decency Act pre-empted state law claims against city based on minor's access to allegedly harmful internet content at public library.
- *ViroLogic v. Doe*: Represented biotechnology company in case alleging that anonymous poster on Yahoo message board disclosed confidential company On issue of first impression, received favorable appellate ruling that client's due process rights were violated by trial court order disallowing outside counsel from revealing defendant's identity to company executives for purposes of responding to defendant's anti-SLAPP motion to strike the complaint.

Other commercial litigation

- Represent food companies in matters asserting claims by putative classes of consumers, alleging presence of genetically modified, bioengineered, highly processed or otherwise unnatural ingredients in food products labeled or advertised as "natural" or "all natural."
- *In re Gilead Sciences Securities Litigation*: Represented public company in securities class action filed on behalf of putative class of shareholders.
- *In re Pacific Gas & Electric:* Member of trial team that won bankruptcy court approval of PG&E's reorganization plan under Chapter 11, the largest utility bankruptcy proceeding in US history.
- *Northrop Grumman Adaptive Broadband*: Represented defendant in litigation alleging breach of contract and misrepresentation in connection with plaintiff's acquisition of division of company.
- Represented private equity firm in dispute with selling shareholders that involved claims of breach of contract, misrepresentation and concealment in connection with acquisition of privately held company.
- Represented investment banking firm in action against company for failure to pay fees for services rendered under engagement agreement in connection with offerings of the company's securities.

White-collar criminal defense

- Represented insurance broker in nine-month trial prosecuted by New York attorney general, alleging 37 counts of scheme to defraud, restraint of trade and competition, and grand Obtained dismissal or acquittal on 36 counts. On sole remaining count, judgment vacated post-trial.
- Represented executive of national clinical laboratory company prosecuted by US Department of Justice for conspiracy to defraud Medicare. Won judgment of acquittal at trial in District of Massachusetts.

Pro bono

- Submitted amicus brief on behalf of the Innocence Network in habeas corpus case before 9th US Circuit Court of Appeals concerning claim of actual innocence based on new scientific evidence.
- Submitted amicus brief on behalf of the Innocence Network in case before US Supreme Court addressing harmless error standard in habeas corpus cases.

Selected publications:

- Six-part series on topics in class action, privacy, and Internet/cyber law, Inside Counsel magazine
    - “Statutory Immunity Against Claims Arising From Third-Party Content Online”
    - “Are Plaintiffs Required to Submit Admissible Evidence in Support of Class Certification?”

    - “Cy Pres Distributions in Class-Action Settlements”
    - “Considerations For Due-Process Challenges to Classwide Statutory Damages Awards”
    - “Practical and Legal Considerations for Online Privacy Policies”
    - “Article III Standing for Plaintiffs in Privacy Litigation”
- “Digital Health and Connected Device Companies Be on Alert: FTC Continues to Focus on Consumer Health Information in Recent Enforcement Action,” cyber/data/privacy insights
- “California Supreme Court Boosts Policyholders Seeking Coverage for Privacy Class Actions,” cyber/data/privacy insights
- “California Voters Pass the California Privacy Rights Act of 2020,” cyber/data/privacy insights
- “Secondary Liability for Inducing Copyright Infringement After MGM v. Grokster: Infringement-Prevention and Product Design,” Journal of Internet Law

Selected speaking engagements:

- Panelist, “Litigation Trends in Financial Services and Fintech,” May 2025
- Panelist, “AI Talks Series: AI + Cyber/Data/Privacy,” November 2023
- Panelist, “Looking Around Corners – Privacy Liability Risks Facing Companies,” October 2020
- Panelist, “CCPA Litigation Is Here – Are You Ready? Early Trends and Best Defensive Practices,” June 2020
- Panelist, “Cyber/Data/Privacy Litigation Outlook,” March 2019
- Panelist, “Privacy & Data Security Law: Recent Developments & Trends,” September 2017
- Panelist, “Privacy & Security in the Internet of Things,” May 2017
- Organizer, Cooley Cybersecurity Colloquium, October 2016
- Moderator, “Cybersecurity as a Global Risk Issue: What Boards and Management Teams Need to Know About Cybersecurity Risk,” Cooley Cybersecurity Colloquium, October 2016
- Panelist, “The Internet of Things (IoT) Cybersecurity Risks: Is Your Firm’s Security Strategy Effective?,” July 2016
- Panelist, “Cybersecurity & Privacy Law: Recent Developments & Trends,” July 2016
- Panelist, “Leveraging the Data Captured in the Home,” Internet of Things (IoT) World Conference, Smart Home Track, May 2016
- Panelist, “Privacy and Data Security: Recent Developments and Trends,” In-House Counsel MCLE Workshops – Palo Alto, San Diego, and San Francisco, January 2016
- Panelist, “Connected Risks in IoT,” Internet of Things: Changing the Future (organized by PriceWaterhouseCoopers, December 2015
- Panelist, “Cyberattack Simulation,” November 2015
- Panelist, “Privacy & Data Security Litigation Update,” 27th Annual All Hands Meeting, organized by Ivy Associates and Silicon Valley Association of General Counsel, October 2015
- Moderator, “Recent Developments in Digital Privacy and Data Security,” Legal Frontiers in Digital Media Conference, May 2015
- Panelist, “Big Data & Retail: Finding a Balance Between Personalization and Privacy,” Internet of Things (IoT) World Conference, Retail, Beacons, and Location Track, May 2015
- Panelist, “Cyber Liability: You’re Not the Only One Watching Your Company,” 4th Annual Business Leaders’ Forum, organized by Heffernan Group, June 2014
- Panelist, “Privacy – What Does It Mean When Everything Is Connected?,” Internet of Things Conference: The Future Is Connected, organized by Lemnos Labs, April 2013

## Education

Harvard Law School JD, cum laude, 1998

Cornell University AB, Philosophy, with Distinction, Phi Beta Kappa, 1992

## Admissions & Credentials

California

## Court Admissions

US Supreme Court

US Court of Appeals for the First Circuit

US Court of Appeals for the Ninth Circuit

US District Court for the Northern District of California

US District Court for the Central District of California

US District Court for the Eastern District of California

US District Court for the Southern District of California

US District Court for the Northern District of Illinois

## Rankings & Accolades

BTI Client Service All-Star (2018)

Cybersecurity Docket: Top Incident Response Leader (2016)

The Legal 500 US: Data Protection and Privacy and Cyber Law (2016, 2017)

The Legal 500 US: Cyber Law (Including Data Privacy and Data Protection) (2023 – 2025)

Law360: Privacy Group of the Year (2011, 2013 – 2017, 2020)

The Recorder: Litigation Department of the Year – Privacy (2015, 2017) Northern California Super Lawyers – Business Litigation (2013 – 2018)

Lawdragon: 500 Leading Litigators in America (2025)

Lawdragon: 500 Leading Global Cyber Lawyers (2025)

The Best Lawyers in America – Commercial Litigation (2025)

## Memberships & Affiliations

American Bar Association (ABA)

American Law Institute

Association of Business Trial Lawyers

Bar Association of San Francisco