

# Matthew D. McGill



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## PRACTICES

Appellate and Constitutional Law  
Intellectual Property  
Law Firm Defense

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## EDUCATION

Stanford University  
2000 *Juris Doctor*  
Dartmouth College  
1996 *Bachelor of Arts*

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## ADMISSIONS

District of Columbia Bar  
New York Bar

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Matthew D. McGill is a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher. He practices in the firm's Litigation Department and its Appellate and Constitutional Law and Intellectual Property practice groups.

Mr. McGill recently was named a national Rising Star by *Law360*, which identified him as one of 10 appellate lawyers under 40 to watch. Since joining the firm in 2004, he has participated in sixteen cases before the Supreme Court of the United States, drafting winning briefs in eleven of those cases. Those eleven Supreme Court victories, which span a wide range of substantive areas of law, include several of the biggest come-from-behind legal victories for businesses of the last decade:

- *Hollingsworth v. Perry* (2013) – This “historic” decision (*Washington Post*) secured the right of same-sex couples in California to marry. The Supreme Court’s decision followed a landmark trial that had invalidated California’s voter-enacted ban on same-sex marriage, Proposition 8, for violating the Fourteenth Amendment’s guarantees of due process and equal protection of the laws.
- *Citizens United v. Federal Election Commission* (2010) – Hailed by the *New York Times* as a “doctrinal earthquake,” this decision overruled two Supreme Court precedents and established the First Amendment right of corporations to spend general treasury funds on speech activities to influence the outcomes of elections.
- *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council* (2009) – After both environmentalists and the Solicitor General urged the Supreme Court to decline review, the Court reversed a Ninth Circuit decision that invalidated a critical Clean Water Act permit and jeopardized mine operator Coeur Alaska’s \$330,000,000 investment in an Alaskan gold mine.
- *Riegel v. Medtronic, Inc.* (2008) – This decision, which, as the *New York Times* reported, has had “huge implications for the health care-technology industry,” held that federal law preempts many state-law product liability claims against medical devices manufacturers, foreclosing scores of product liability cases across the country.
- *Microsoft Corporation v. AT&T Corp.* (2007) – This case reversed a Federal Circuit decision that had vastly increased certain defendants’ damages exposure in patent infringement cases by extending U.S. patent law to reach software developers’ foreign sales. The victory, *New York Times* observed, has “save[d] [Microsoft] billions of dollars.”

Outside the Supreme Court, Mr. McGill’s practice focuses on cases involving novel and complex questions of federal law, often in high-profile litigation against governmental entities. For example, he currently represents creditors of the Republic of Argentina in several cases raising questions under the Foreign Sovereign Immunities Act. Similarly, he represents Perry Capital in its challenge to the federal government’s ongoing seizure of profits from Fannie Mae and Freddie Mac. And he successfully defended The Boeing Company against charges brought by the National Labor Relations Board arising out of Boeing’s decision to open a manufacturing facility in South Carolina.

In the intellectual property area, Mr. McGill regularly participates in significant copyright and patent cases before the Supreme Court and the court of appeals. In the patent area, he represented Microsoft in *Microsoft v. AT&T*, and more recently in *Microsoft v. i4i*, which addressed the standard of proof for patent invalidity. He has filed *amicus curiae* briefs on behalf of clients in cases such as *Mayo Collective Services v. Prometheus Laboratories*, *Global-Tech Appliances v. SEB*, *Bilski v. Kappos*, *KSR International v. Teleflex*, and *eBay v. MercExchange*. And he advises a range of companies on legal issues in high-stakes patent infringement cases. In the copyright field, Mr. McGill recently represented publisher John Wiley & Sons in its Supreme Court case concerning the first sale doctrine, and he currently represents Viacom in its landmark copyright infringement action against YouTube.

## RECENT PUBLICATIONS

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U.S. Supreme Court Restores  
Marriage Equality in California

Supreme Court Tightens the  
Standard for Patent Eligibility Under  
Section 101 of the Patent Act

U.S. Supreme Court Invalidates  
California Statute Prohibiting Sale or  
Rental of "Violent" Video Games to  
Minors

U.S. Supreme Court Holds That  
Section 282 of the Patent Act  
Requires a Patent Invalidation Defense  
To Be Proved by Clear and  
Convincing Evidence

U.S. Supreme Court Holds That the  
Bayh-Dole Act Does Not  
Automatically Vest Title to Federally  
Funded Inventions in Federal  
Contractors

Mr. McGill also maintains an active *pro bono* practice. He currently represents the plaintiffs in *Bostic v. Rainey*, a federal constitutional challenge to Virginia's statutory and constitutional provisions that prohibit same-sex couples from marrying. Previously, he briefed and argued a case in the Supreme Court of Virginia on behalf of the adoptive family of a 4-year-old girl and won a unanimous ruling affirming the adoption. In 2008, he successfully defended Senator John McCain in cases contending that Senator McCain was not a "natural-born citizen" and therefore was ineligible to be President.

Prior to joining Gibson Dunn, Mr. McGill served as a Bristow Fellow in the Office of the Solicitor General at the U.S. Department of Justice. He clerked for the Hon. Joseph M. McLaughlin of the U.S. Court of Appeals for the Second Circuit and the Hon. John G. Roberts, Jr. of the U.S. Court of Appeals for the D.C. Circuit.

Mr. McGill earned a Bachelor of Arts degree, *magna cum laude*, from Dartmouth College in 1996. In 2000, he graduated from Stanford Law School, where he was elected to the Order of the Coif. Mr. McGill is licensed to practice in New York and the District of Columbia and he has been admitted to practice before the Supreme Court of the United States, the United States Courts of Appeals for the First, Second, Third, Fifth, Ninth, Eleventh, District of Columbia, and Federal Circuits, and the United States District Courts for the District of Columbia and the Southern District of New York.