



Nathan E. Denning

PARTNER

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Nathan is a Partner in Wiggin and Dana's Litigation Department and is Co-Chair of the Firm's Antitrust and Technology Disputes Practice Group. Recognized as a "Rising Star" by The New York Law Journal, Nathan has also been named to Benchmark Litigation's "40 and Under List" for three consecutive years. His advocacy has been praised by Am Law Litigation Daily for its "attention-catching storytelling," and his successful defense of a contract and intellectual-property dispute recently earned him a spot as The American Lawyer's runner-up "Litigator of the Week." Nathan was also one of the lead Wiggin lawyers representing Epic Games in its recent antitrust victory over Google in federal court in California, a win for which Global Competition Review awarded the firm "Litigation of the Year."

Nathan has extensive experience leading large, complex litigation from pre-suit investigation through verdict, appeal or settlement in a wide variety of practice areas, including antitrust, intellectual property, securities, contracts, torts and bankruptcy. Nathan also represents companies and individuals in SEC, DOJ and internal investigations. Before joining Wiggin and Dana, Nathan was an attorney at Cravath, Swaine & Moore LLP, where he represented large multinational companies in litigation and regulatory matters.

Nathan has achieved favorable results for his clients in many high-stakes matters. Some of his notable experience includes:

Antitrust Disputes

- Representing Aurobindo Pharma USA as lead counsel in a Multi-District Litigation (MDL) comprising
 dozens of antitrust lawsuits brought by State Attorneys General and private plaintiffs relating to the pricing
 of generic pharmaceuticals.
- Part of the core trial team that won a jury verdict on behalf of Epic Games against Google in the Google
 Play Store Litigation in the U.S. District Court for the Northern District of California. After a four-week-long
 trial, the jury deliberated for fewer than three hours before returning a verdict for Epic on every claim it had
 brought, including that Google engaged in unlawful monopolization, illegal restraints of trade, and tying, in

violation of the Sherman Act. Epic's suit successfully challenged Google's anticompetitive conduct in markets for Android app distribution and in-app billing services for digital goods. Nathan's responsibilities, among others, included eliciting trial testimony from key third parties. Nathan was also part of the Epic Games trial team that won a first-of-its-kind permanent injunction against Apple, requiring Apple to change how it operates its platform. That result was affirmed on appeal.

Part of the trial team that represented Qualcomm, Inc. in its high-stakes antitrust litigation with Apple
concerning Qualcomm's chipset sales and licensing practices, culminating in a favorable <u>settlement</u> for
Qualcomm on the first day of trial in federal court.

Intellectual Property Disputes

- Representing Mystic Seaport Museum—one of the world's foremost maritime museums—as lead counsel in a federal copyright and contract lawsuit brought by a private party seeking to nullify a decades-old donation of thousands of historically significant yacht-design drawings. The district courtgranted summary judgment on all of plaintiffs' copyright and contract-based copying claims and further held that the donated drawings—described as the "yacht-world equivalent of holding the original sheets where Beethoven drafted his symphonies"—must remain with the museum. The summary judgment win earned Nathan a spot as The American Lawyer's runner-up "Litigator of the Week," and his winning summary judgment brief earned a separate profile from Am Law Litigation Daily.
- Represented The Authors Guild Inc. and other artists'-rights organizations as amici curiae in an important Ninth Circuit case regarding the continued viability of the "discovery rule," which ties accrual of a copyright claim to the date a rightsholder reasonably discovers an infringement. The Ninth Circuit favorably quoted amici's brief in holding that the discovery rule is "alive and well" in the Ninth Circuit, opening up a circuit split with the Second Circuit.

Other Commercial Disputes

- Representing a family of online dating companies as lead counsel in consumer litigations and arbitrations
 arising out of its online dating platforms. Successfully removed and compelled arbitration of a lawsuit
 brought against one platform and obtained complete dismissal of an arbitration brought against another
 platform as barred by Section 230 of the Communications Decency Act.
- Represented a major streaming service as co-lead counsel in an arbitration where its two investor/owners (both major media companies) disputed the values of their respective interests in the streaming service.
- Represented a nationwide distributor as co-lead counsel in a federal lawsuit alleging that a supplier's
 attempted termination of a nine-figure contractual relationship violated the Robinson-Patman Act, state
 distributor relationship statutes, and a state unfair trade practices statute. Following an initial hearing on
 our client's request for a temporary restraining order and preliminary injunction against the termination, the
 parties settled on terms favorable to our client.
- Representing several individuals in an appeal of a New York court's order of attachment based on a Chinese judgment in connection with a business dispute in China.

Government and Internal Investigations

• Represented a public company employee as lead counsel in an investigation by the SEC into potential insider trading. Following its investigation, the SEC declined to pursue any enforcement action.

- Represented a cryptocurrency firm and its CEO in an investigation into the source of defamatory
 statements sent anonymously to potential investors. The investigation, which included successful courtordered discovery of the anonymous sender's email and internet-service providers, identified the sender
 as a disgruntled former employee. Following the commencement of an arbitration asserting claims for
 defamation, the former employee agreed to recant the defamatory statements and to consent to an
 arbitrator's order barring the former employee from making further disparaging statements concerning the
 firm or its CEO.
- Co-author of the chapter "Disclosure Issues in SEC Enforcement Actions and Investigations" in the <u>SEC Compliance and Enforcement Answer Book</u>, which provides practical advice on handling disclosure issues that may arise in the context of an SEC investigation.

Bankruptcy Adversary Proceedings

- Represented PG&E in tort litigation arising out of the 2017 Tubbs Fire, which was at that time the most destructive wildfire in California history.
- Represented Credit Suisse in litigation against the Lehman Estate relating to the termination and close out
 of tens of thousands of derivatives trades.

Nathan received his J.D. from the University of Pennsylvania Law School and both a B.S. in Electrical & Computer Engineering and a B.A. in Political Science from The Ohio State University. Following graduation from law school, Nathan served as a law clerk for Judge Roger L. Wollman of the U.S. Court of Appeals for the Eighth Circuit and for Judge James S. Gwin of the U.S. District Court for the Northern District of Ohio.

Education

- University of Pennsylvania Law School (J.D.)
 - cum laude
- The Ohio State University (B.A. and B.S.)
 - magna cum laude
 - honors

Bar Admissions

New York