



Gary A. Bornstein

PARTNER, LITIGATION

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Gary A. Bornstein is Co-Head of the Litigation Department. He handles a wide range of high-stakes commercial disputes, with particular focus on antitrust, M&A and securities litigation. Mr. Bornstein also represents clients in investigations and frequently provides antitrust, fiduciary duty and other transaction-related advice.

Named a “Competition MVP” by *Law360*, Mr. Bornstein has extensive experience in complex antitrust litigation. He served as lead trial counsel for Epic Games, creator of the hugely popular game *Fortnite*, in two high-profile antitrust actions against Google and Apple alleging anticompetitive behavior in the distribution of mobile apps and the handling of in-app payments. After a multiweek trial in the case against Google, Mr. Bornstein obtained a unanimous jury verdict in favor of Epic on all counts. In connection with this victory, he was recognized as *The Am Law Litigation Daily*’s “Litigator of the Week,” and the Cravath team received an Impact Case Award from

Benchmark Litigation. Following a three-week bench trial in the Apple case, Mr. Bornstein secured a nationwide permanent injunction against Apple's anti-steering policies. He continues to represent Epic in connection with both matters.

Mr. Bornstein also recently represented Qualcomm in an array of industry-defining global disputes concerning Qualcomm's patent licensing and modem chipset businesses—including actions brought by the U.S. Federal Trade Commission (FTC), Apple, a class of consumers and international regulatory authorities.

Mr. Bornstein secured a major Ninth Circuit victory for Qualcomm in the FTC litigation, which sought a permanent injunction against several of Qualcomm's business practices. The widely covered, unanimous appellate decision confirmed the lawfulness of Qualcomm's business model, and was featured as a "top appellate reversal" of the year by the *Daily Journal*. Mr. Bornstein was also a member of the team that secured a settlement for Qualcomm resolving all litigation between the company and Apple worldwide, including proceedings in Asia, Europe and the United States.

Consistently recognized as "one of the best lawyers in this space" and "simply stellar" (*The Legal 500 US*), Mr. Bornstein has also handled some of the country's most challenging and transformative M&A litigation, often involving novel and complex issues of law. Clients on such matters include Avon Products, Bacardi Limited, Blount International, Buckeye Partners, Cisco Systems, Deutsche Telekom, DreamWorks Animation, Johnson & Johnson, the Special Committee of Paramount's Board of Directors, the special transaction committee of Viacom's Board of Directors and WestRock.

Mr. Bornstein's recent notable matters include representing the Special Committee of the Board of Directors of Paramount in putative class action stockholder litigation in the Delaware Court of Chancery concerning Paramount's pending \$28 billion merger with Skydance, and Deutsche Telekom, T-Mobile's controlling shareholder, and certain officers in putative class action and derivative litigation in the Delaware Court of Chancery alleging defendants breached their fiduciary duties in connection with T-Mobile's \$26 billion merger with Sprint. He won a post-trial victory, affirmed on appeal, for Reynolds American in the first judicial appraisal of a public company tried to decision outside of Delaware, and successfully represented affiliates of Bacardi Limited in resolving a multi-jurisdictional dispute with rapper Shawn "Jay-Z" Carter related to the value of cognac brand D'Ussé. Mr. Bornstein also secured a favorable settlement for members of the special transaction committee of Viacom's Board of Directors in consolidated putative class action litigation in the Delaware Court of Chancery concerning Viacom's \$30 billion merger with CBS Corporation.

A "deeply respected" litigator known for his "strong intellect," Mr. Bornstein has been recognized by numerous professional publications. (*The Legal 500 US*) Notably, *The National Law Journal* named him a "Litigation Trailblazer," *Crain's New York Business* included him in its 2025 list of "Notable Litigators & Trial Attorneys," and *The Best Lawyers in America* recognized him as "Lawyer of the Year" for M&A Litigation in 2024. In addition, *The Legal 500 US* consistently names Mr. Bornstein a "Leading Lawyer" for M&A litigation and also has recommended him for his antitrust, appellate, financial services litigation, general commercial, M&A litigation, media and entertainment litigation, and securities litigation work. He and his colleagues have repeatedly earned the Firm

distinction as “Law Firm of the Year” in M&A litigation in the *Best Lawyers* Best Law Firms surveys, and as a *Law360* “Competition Practice Group of the Year.”

Mr. Bornstein has been recognized by *Benchmark Litigation* every year since 2009 for his litigation work, including being named a “Top 100 Trial Lawyer in America,” a “National Star” in antitrust litigation and a “Litigation Star” in the New York area. He was also named among *Crain’s New York Business’s* 2024 Notable LGBTQIA+ Leaders and to *The Hollywood Reporter’s* “New York Power Lawyers” list. Mr. Bornstein has additionally been selected as one of *Lawdragon’s* “500 Leading Lawyers in America,” “500 Leading Global Litigators,” “500 Leading Litigators in America,” “500 Leading Global Antitrust & Competition Lawyers” and “500 Leading Global Entertainment, Sports & Media Lawyers.” He has been named to *The Best Lawyers in America* for antitrust, M&A and securities litigation, and he was a finalist for *The American Lawyer’s* 2024 Litigator of the Year award.

Mr. Bornstein was born in Merrick, New York. He received a B.A. *magna cum laude* in architecture from Yale College in 1994, where he was elected to Phi Beta Kappa, and a J.D. *magna cum laude* from Harvard Law School in 1997, where he was a Notes Editor of the *Law Review* and a winner of the Ames Moot Court Competition. After graduation, Mr. Bornstein served as a law clerk to Hon. Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit.

Mr. Bornstein joined Cravath in 1998 and was elected a partner in 2004.

EDUCATION

- J.D., 1997, Harvard Law School
magna cum laude
- B.A., 1994, Yale College
Phi Beta Kappa, magna cum laude

CLERKSHIPS

- Hon. Amalya L. Kearse, U.S. Court of Appeals for the Second Circuit

ADMITTED IN

- New York

PROFESSIONAL AFFILIATIONS

International Bar Association

RANKINGS

Best Lawyers in America

- Antitrust Law (2025, 2024, 2023)
- Litigation - Antitrust (2025-2015)
- Litigation - Mergers & Acquisitions (2025, 2024, 2023)
- Litigation - Mergers and Acquisitions: Lawyer of the Year - New York City (2025)
- Litigation - Securities (2025, 2024, 2023)

Benchmark Litigation

- Top 100 Trial Lawyers in America (2025-2022)
- Antitrust Litigation Star - National (2025-2015)
- Litigation Star - New York (2025-2015)
- Future Star (2014-2009)

Crain's New York Business

- Notable Litigators & Trial Attorneys (2025)
- Notable LGBTQIA+ Leaders (2024)

Law360

- Competition MVP of the Year (2021)
- Rising Star: Securities Lawyers Under 40 to Watch (2012)

Lawdragon

- 500 Leading Global Litigators (2024, 2023)
- 500 Leading Global Antitrust & Competition Lawyers (2025)
- 500 Leading Global Entertainment, Sports & Media Lawyers (2025)
- 500 Leading Lawyers in America (2025-2022)
- 500 Leading Litigators in America (2025, 2024, 2023)

The Legal 500 US

- Antitrust (2024, 2023)
- Appellate (2024-2019)
- Financial Services Litigation (2023)
- General Commercial (2024, 2023)
- M&A Litigation (2024-2012)
- Media and Entertainment Litigation (2024, 2023)
- Securities Litigation (2024, 2023)

National Law Journal

- Litigation Trailblazer (2021)

New York Law Journal

- Rising Star (2013)