



Michael J. Zaken

PARTNER, LITIGATION

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Michael J. Zaken has a broad litigation practice, with a particular focus on antitrust, bankruptcy, class action defense, commercial disputes and intellectual property, as well as antitrust advisory and other advisory work. Mr. Zaken has represented a wide range of clients, including Alarm.com, British American Tobacco, Epic Games, Illumina, Louis Dreyfus, PG&E, Qualcomm and Westpac Banking Corporation.

Mr. Zaken's representative matters include:

- Representation of Epic Games as plaintiff in two actions against Google and Apple, alleging anticompetitive behavior in the distribution of mobile apps and the handling of in-app payments. Following a multiweek trial in the case against Google, a jury unanimously ruled in favor of Epic on all counts. In connection with this victory, the Cravath team was recognized as *The Am Law Litigation Daily's* "Litigators of the Week" and received an

Impact Case Award from *Benchmark Litigation*. Following a three-week bench trial in the Apple case, the court issued a nationwide permanent injunction against Apple's anti-steering policies.

- Represented Illumina in an administrative challenge brought by the Federal Trade Commission (FTC) concerning Illumina's \$8 billion acquisition of GRAIL, a healthcare company developing a cancer screening test for 50 cancer types. In September 2022, the FTC's Chief Administrative Law Judge ruled in favor of Illumina and rejected the FTC's challenge to the merger.
- Represented Fifth Season Investments, LLC, a Blue Owl life insurance investment portfolio company, in securing a favorable settlement in a dispute against GWG Holdings, Inc. and GWG Life, LLC (together "GWG") concerning the payment of a break-up fee owed in connection with GWG's chapter 11 proceedings.
- Represented Louis Dreyfus, a leading international merchant and processor of agricultural goods, and its subsidiary Imperial Sugar Company in an action brought by the DOJ in Delaware federal court seeking to enjoin U.S. Sugar's proposed acquisition of Imperial Sugar from Louis Dreyfus. In September 2022, the court ruled in favor of the defendants, denying the DOJ's request for an injunction to block the acquisition, and the Third Circuit unanimously affirmed the ruling in July 2023.
- Representation of Qualcomm Incorporated in numerous high stakes disputes and investigations around the world, including:
 - *FTC v. Qualcomm Incorporated*: A suit filed by the FTC in California federal court alleging violations of Section 5 of the FTC Act and seeking a permanent injunction against Qualcomm. In August 2020, in a complete defense victory for Qualcomm, the Ninth Circuit unanimously reversed the district court's prior judgment and vacated a permanent, worldwide injunction that had prohibited several of Qualcomm's core business practices.
 - *Apple Inc. v. Qualcomm Incorporated*: An action filed by Apple against Qualcomm in California federal court. Following opening statements at trial in April 2019, the parties reached a global settlement that includes a payment from Apple to Qualcomm; the companies also reached a six year license agreement and a multi-year chipset supply agreement.
- Represented PG&E in hundreds of lawsuits, including numerous putative class actions, filed against the company arising out of the unprecedented 2017 and 2018 California wildfires—one of the largest and most complex sets of mass tort litigation in recent years—and helped to steer the company through the largest utility bankruptcy in U.S. history.
- Represented Alarm.com in a patent infringement action relating to interactive security and home automation technology, including petitions for *inter partes* review of the asserted patents.
- Represented British American Tobacco before the North Carolina Supreme Court in putative class action litigation arising out of Reynolds American Inc.'s \$27.6 billion acquisition of Lorillard, winning a decision that

overturned the state's Court of Appeals and dismissed the suit.

- Represented Westpac Banking Corporation in a putative class action asserting, *inter alia*, antitrust, Racketeer Influenced and Corrupt Organizations Act (RICO) and Commodity Exchange Act claims premised upon alleged manipulation of the Australian Bank Bill Swap Reference Rate ("BBSW"). Mr. Zaken also represented Westpac in a separate putative class action securities litigation concerning the reporting of over 19.5 million international funds transfer instructions to the Australian Transaction Reports and Analysis Centre ("AUSTRAC"), contrary to Australian law.
- Represented a German parent company and its U.S. subsidiary in connection with litigation and an investigation involving entities and subsidiaries in Germany, the U.S. and Brazil.

In 2024, Mr. Zaken was named to *Global Competition Review's* "40 Under 40" list, which profiles "the next generation of leading antitrust practitioners." He has been repeatedly named to *Benchmark Litigation's* "40 & Under List," and has also been included in *Lawdragon's* "500 Leading Global Antitrust & Competition Lawyers," "500 Leading Litigators in America" and "500 X – The Next Generation" lists.

Mr. Zaken is from New York City. He received a B.A. *cum laude* from Columbia College in 2011 and a J.D. from Columbia Law School in 2014, where he was a James Kent Scholar, a Harlan Fiske Stone Scholar, a member of the Moot Court and served as the Managing Editor of the *Journal of Law and the Arts*.

Mr. Zaken joined Cravath in 2014 and was elected a partner in 2022.

EDUCATION

- J.D., 2014, Columbia Law School
James Kent Scholar, Harlan Fiske Stone Scholar
- B.A., 2011, Columbia College
cum laude

ADMITTED IN

- New York

RANKINGS

Benchmark Litigation

- 40 & Under List (2024, 2023)

Global Competition Review

- 40 Under 40 (2024)

Lawdragon

- 500 Leading Global Antitrust & Competition Lawyers (2025)
- 500 Leading Litigators in America (2025, 2024)
- 500 X – The Next Generation (2024)