



Gabriel D. Miller

Attorney

310.272.7912
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In his representation of leading motion picture studios, television networks, video- game producers, media outlets, and technology companies, Gabriel Miller regularly provides advice and advocacy regarding issues and disputes involving profit participation, licensing agreements, intellectual property rights and business torts.

Mr. Miller also has experience in managing sophisticated internal investigations and an array of liability concerns for major entertainment and commercial clients, including financial institutions and real estate developers.

A significant portion of his practice is focused on offering clients pre-litigation counsel and early-stage strategic analysis of underlying legal concerns.

Mr. Miller has participated in matters before the United States Supreme Court, the United States Courts of Appeal, the United States Judicial Panel on Multidistrict Litigation, and numerous federal and state trial courts. He is active in the Ninth Circuit Court of Appeals Pro Bono Program.

Representative Matters

Media, Entertainment, and Intellectual Property

Copyright Infringement Litigation

Defended a leading online content network against copyright infringement claims brought by software developer concerning allegations that a foreign website offered an infringing computer program for download on its site. Successfully negotiated a favorable resolution within weeks after the filing of the complaint.

Education

Columbia University School of Law, J.D., completed 2005

James Kent Scholar
Harlan Fiske Stone Scholar
Edwin B. Parker Certificate in Comparative Law
Columbia Human Rights Law Review
Teaching Fellow in constitutional law
Research Assistant in criminal law

London School of Economics & Political Science, LL.M., 2005

Distinction, Highest Honors
One Essex Court Prize
First in Class, International Business Law Specialization

Stanford University, A.M., Sociology, 2001

Stratification & Inequality Specialization

Stanford University, A.B., Human Biology & Political Science, 2001

With Honors

Clerkships

U.S. Court of Appeals for the Ninth Circuit,
Law Clerk, Hon. Dorothy W. Nelson

U.S. District Court, Southern District of New York
Extern, Hon. Harold Baer, Jr.

U.S. District Court, District of Oregon
Extern, Hon. Ancer L. Haggerty, Chief Judge

Trade Secret Misappropriation Action

Litigated allegations of misappropriation of trade secrets during representation of online content network in its claims against a competing company. After taking over this matter from another firm weeks before trial, reached a mutually beneficial resolution of this matter.

Trademark and Right of Publicity Claims

Defended Electronic Arts video game manufacturer against trademark and right of publicity claims alleging ownership of contractual and intellectual property rights in the likenesses of several professional boxers profiled in "Fight Night" video game. Successfully opposed a motion seeking a preliminary injunction to halt EA's worldwide sales and marketing of the game, and a short time thereafter, negotiated a favorable resolution.

Business Torts

Defending video game company in a putative class action lawsuit brought by individuals who allegedly purchased games and monthly memberships from the company over the Internet. At issue are claims for breach of contract, unfair competition, and the use of an early termination fee. Successfully moved to dismiss the early termination fee claim and opposed class certification as to seven proposed classes. Defending class certification decision on appeal before the United States Court of Appeals for the Ninth Circuit.

Commercial Litigation and Appeals

Represented insurance entities in matter before the United States Court of Appeals for the Second Circuit and United States Supreme Court related to bankruptcy and class action litigation. Participated in drafting successful *certiorari* petition and merits briefing. *Travelers Indemnity Co. v. Bailey*, 129 S. Ct. 2195 (2009).

Defended well-known financial institution and several of its corporate officers against dozens of lawsuits asserting securities fraud and violation of the Employee Retirement Income Security Act (ERISA). Participated in drafting successful motion to consolidate and coordinate cases before the United States Judicial Panel on Multidistrict Litigation.

Defended a leading manufacturer of laptop computers against patent infringement claims concerning battery management technology.

Pro Bono Litigation

As part of his work with the Ninth Circuit Court of Appeals Pro Bono Program, Mr. Miller is representing a client found removable under the immigration laws. After the Board of Immigration Appeals denied a motion to reopen the case, Mr. Miller filed a petition to review that decision in the Ninth Circuit.

Defending major motion picture studio in lawsuits brought by groups of lenders that funded several slates of motion pictures. Allegations against studio include breach of contract, breach of fiduciary duty, and fraud.

Representing major motion picture studio in a personal injury lawsuit brought by an extra on a movie set.

Motion Picture Industry Advice

Offered strategic legal analysis and advice to major studio in securing financing for upcoming production of motion pictures.

Provided legal advice and analysis on the contractual rights of major motion picture studio in a series of distribution agreements with well-known production company.

Represented real estate developer in lawsuit against competing developer acting as "master developer" of large planned community, asserting claims for breach of contract, breach of fiduciary duty, and breach of the covenant of good faith and fair dealing.

Represented major international reinsurance company in arbitration against fronting insurer in dispute arising out of litigation related to the September 11 terrorist attack on the World Trade Center.

Achieved early resolution in representation of leading publishing company in a putative class action that claimed a text message advertising a book violated Telephone Consumer Protection Act.

Prior to Kendall Brill Klieger

Simpson Thacher & Bartlett LLP, Los Angeles
Associate, 2007-09

Irell & Manella LLP
Associate, 2005-06

Bar and Court Admissions

California, 2006

U.S. District Courts

Central, Eastern, Northern and Southern Districts
of California

Northern District of Illinois

U.S. Court of Appeals for the Second Circuit

U.S. Court of Appeals for the Ninth Circuit