

## Haynes and Boone in Law360: Biggest Texas Cases in 2017

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December 21, 2017 Nina Cortell, Michael Mazzone, Christina Crozier

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**PRACTICES** Appellate, Intellectual Property Litigation

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Haynes Boone lawyers handled two of the seven cases highlighted by *Law360* as the biggest in Texas during 2017.

*Law360* [reported](#) that there were plenty of major legal battles in Texas over the past year, including a Dallas federal jury verdict against Facebook-owned Oculus VR LLC.

The report said that, in *ZeniMax v. Oculus*, a federal jury in February slammed Facebook's Oculus VR with an eye-popping \$500 million damages verdict, holding it had committed copyright and trademark infringement and also breached a nondisclosure agreement with video game developer ZeniMax Media in a case tied to its virtual reality technology.

Now, ZeniMax is pushing for a more than \$1 billion judgment and arguing it's entitled to triple damages under the Lanham Act. Oculus wants the jury's verdict knocked out completely, arguing there's no evidence to support the jury's findings of false designation of origin or that it infringed ZeniMax's copyright or breached a nondisclosure agreement, *Law360* reported.

The ZeniMax legal team includes Haynes Boone Partner Phillip Philbin and Associate Michael Karson.

*Law360* reported that, in *Aruba Petroleum v. Parr*, a case closely watched in oil and gas circles, the Texas Fifth Court of Appeals in February threw out a \$2.9 million judgment against Aruba Petroleum Inc. stemming from alleged noise, light and odor at several of its Barnett Shale gas wells, holding there wasn't sufficient evidence to show Aruba intentionally created a nuisance on the property.

In the report, Anne Johnson, a partner with Haynes Boone who worked on the appeal for Aruba, said the case caught the attention of attorneys in the practice group because the plaintiffs, the Parr family, claimed that "fairly normal" oil and gas operations were an intentional nuisance.

"If what Aruba was doing in this case was an intentional nuisance, then that was going to really broaden the definition in Texas law of what it meant to make an intentional nuisance," she said, "... but the court made clear that intentional nuisance is a difficult claim to bring, that it's not just intending the conduct but knowing that you were going to be harming these particular landowners."

In addition to Johnson, the team representing Aruba includes Haynes Boone Partners [Nina Cortell](#) and [Michael Mazzone](#) and Counsel [Christina Crozier](#).

Excerpted from *Law360*. To read the full article, click [here](#). (Subscription required)