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Haynes and Boone Trial Team Helps Win Large ZeniMax Verdict

By Tiffany Cooke | February 10, 2017

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A Dallas federal jury on February 1 returned a large verdict for Haynes Boone clients ZeniMax Media Inc. and idSoftware in a high-profile trial followed closely by the technology industry.

The ZeniMax trial team combined a Haynes Boone team led by Partner Phillip Philbin and included Associates Mike Karson and Tiffany Cooke, with a group from Skadden, Arps, Slate, Meagher & Flom led by Tony Sammi. The Philbin/Sammi team is the same one that recorded a take-nothing judgment against Data Treasury after a multi-week jury trial in Marshall, Texas.

The ZeniMax verdict is one of the largest in Haynes Boone history and is a major victory for the client in its years-long legal battle to be compensated for the theft of its cutting edge technology used in virtual reality headsets.

“ZeniMax developed game changing VR technology and I am honored to be able to present and explain ZeniMax’s innovations to a Dallas jury,” Philbin said. “This case involved a myriad of complicated issues, and I’m thankful that we were able to convey to the jury the extent of damages suffered by our clients.”

ZeniMax sued Oculus VR Inc. in 2014, claiming the defendant unlawfully infringed its copyrights and trademarks and violated a non-disclosure agreement pursuant to which ZeniMax shared breakthrough virtual reality technology with Oculus.

The three-week jury trial featured testimony from several prominent technology figures, including Robert Altman (ZeniMax CEO), Mark Zuckerberg (Facebook CEO), John Carmack (creator of the video game, Doom), and Palmer Luckey (the founder of Oculus).

The jury deliberated for two and a half days before finding Oculus liable for copyright and trademark infringement and for breach of the non-disclosure agreement with ZeniMax.

“Technology is the foundation of our business and we consider the theft of our intellectual property to be a serious matter,” Robert Altman, ZeniMax’s chairman and CEO, said after the verdict.

The trial and verdict have garnered widespread publicity, including coverage in *Bloomberg*, *Law360*, the *New York Times, Forbes,* and *American Lawyer*, among others.