

Haynes and Boone Helped Win Jury Verdict Named Nation's Largest in 2017

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PRACTICES Intellectual Property, Copyright, Trademark Litigation, Intellectual Property Litigation

A federal jury verdict that Haynes Boone helped win for clients ZeniMax Media Inc. and idSoftware has been recently named the nation's largest jury verdict of 2017 by VerdictSearch.

A unit of ALM Media LLC, VerdictSearch collects and categorizes case data, which is drawn from firsthand reporting on both the plaintiff and defense sides of cases.

ZeniMax topped the list of the nation's 10 largest verdicts for 2017, according to the VerdictSearch report, which was released earlier this year. The full report can be found [here](#).

A Dallas federal jury returned the *ZeniMax* verdict on Feb. 1, 2017. The verdict also ranks as 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. A judgment has not yet been entered in the case.

ZeniMax's Haynes Boone trial team was led by Partner Phillip Philbin and included Associates Michael Karson and [Tiffany Cooke](#). *ZeniMax* also was represented by a team 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 relating to electronic check processing.

"Haynes Boone is proud to have helped win a jury verdict that has been recognized as the largest in the country in 2017," Philbin said.

ZeniMax sued Oculus and certain of its principals in 2014, claiming the defendants unlawfully infringed *ZeniMax*'s copyrights and trademarks and violated a non-disclosure agreement pursuant to which *ZeniMax* shared breakthrough virtual reality technology with Oculus. *ZeniMax* added Facebook to the case after Facebook acquired Oculus later in 2014.

The three-week jury trial in 2017 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 returning the verdict finding liability for copyright and trademark infringement and for breach of the non-disclosure agreement with *ZeniMax*.

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