Russ Emerson

Partner
Dallas
russ.emerson@haynesboone.com
+1 214.651.5328

RELATED PRACTICES Intellectual Property Litigation, Mechanical, Patent Litigation, Patent Office Trials, Patents, Trials, Nuclear Energy, Copyright, Intellectual Property, Litigation

---

Russ Emerson is a trial lawyer who serves as lead counsel in high-stakes, high-risk patent litigation throughout the country. His cases involve a variety of technologies, from semiconductors to lasers, medical devices to pharmaceutical products, and petroleum drilling technology to computer networking.

Clients also turn to Russ to handle cases involving trademarks and trade dress, copyrights, theft of trade secrets, and other complex technical and related business disputes. In addition to his trial court practice, Russ has successfully argued a number of appeals before the Federal Circuit. He is also active at the Patent Trial and Appeal Board, having participated in dozens of *inter partes* review proceedings.

A former naval officer, Russ leads litigation and trial teams sized to effectively and efficiently accomplish his clients' goals. As a registered patent lawyer with a degree in mechanical engineering and experience in nuclear engineering, Russ combines technical fluency with the ability to explain complex technology to judges and juries alike.

Before attending law school, Russ served as a division officer on board a nuclear-powered, fast-attack submarine and was certified as a Naval Nuclear Engineer by the Department of Energy's Naval Reactors Division.

SELECTED CLIENT REPRESENTATIONS

- Represented Acufloor, a flooring contractor, in a patent-infringement lawsuit against two infringing competitors. Following an unfavorable order in the district court, we appealed to the Federal Circuit, which sided with Acufloor and remanded to the district court for further proceedings. This ruling confirms Acufloor's infringement position regarding at least one of the patents asserted, and Acufloor intends to continue to enforce its patent rights on remand.
- Won defense verdict for Korean manufacturer and its founder (E.D. Tex.). After deliberating less than two hours, the jury returned a verdict of no-infringement, no tortious interference, and no conspiracy. The plaintiffs sought over $100 million in actual and punitive damages but were awarded only $622 thousand on a single contract claim. The jury also awarded the founder $1.36 million—every penny sought—on his breach-of-contract claim.

© 2026 Haynes and Boone, LLP

- Won jury verdict—including invalidity of an asserted patent—as lead trial counsel for maker of WAN-optimization products (E.D. Tex.). Simultaneously led IPR team that invalidated several patents-in-suit, which decisions were affirmed at the Federal Circuit. Ultimately settled world-wide litigation campaign—including cases in the federal and patent courts of Germany and in the Northern District of California—on favorable terms.
- Won summary judgment of noninfringement for oil-and-gas operating company in case relating to horizontal drilling techniques (E.D. Tex.).
- Won summary judgment of noninfringement for the nation's leading provider of parking ticket management systems in case involving electronic handheld ticket-issuing devices (E.D. Tex.). Successfully appealed denial of attorneys' fees to the Federal Circuit.
- Defended start-up against claims of patent infringement, trade-secret misappropriation, and trademark infringement in case relating to laser technology (N.D. Texas).
- Won summary judgment of noninfringement for a leading provider of electronic-tolling technologies (N.D. Tex.). Successfully defended judgment on appeal to the Federal Circuit.
- Defended oil-and-gas operating company in patent-infringement case relating to multi-pad horizontal drilling. Case settled for no payment (E.D. Tex.).
- Won jury verdict as lead trial counsel for patent owner in validity-only trial involving CMOS image sensors (D. Del.).
- Successfully represented defendants - national marketing services and event demonstrations providers - in a patent-infringement lawsuit involving method patents directed at clients' key services. Litigation settled on favorable terms (C.D. Cal.).
- Obtained a jury verdict and judgment, including enhanced damages, attorneys' fees, and a broad injunction, for the willful infringement of a patented method for surgically repairing the left ventricle of the human heart after a severe heart attack (N.D. Tex.).
- Obtained a final, non-appealable, take-nothing judgment against Data Treasury after a multi-week jury trial in Marshall, Texas in a lawsuit involving electronic check-image processing (E.D. Tex.).
- Won summary judgment of non-infringement for Prodigy and SBC Internet Services in case involving dial-up internet-access technology (E.D. Tex.).
- Won summary judgment of invalidity in case relating to air-conditioning technology (E.D. Texas). Successfully defended judgment on appeal to Federal Circuit.
- Won judgment on the pleadings of non-infringement for Southwestern Bell Communications Services, Inc. in case relating to devices for installing fiber-optic cable. Case settled favorably for remaining SBC defendants (D. Del.).
- Won summary judgment of no infringement in copyright-infringement case involving photographs.

PROFESSIONAL AFFILIATIONS AND ENGAGEMENTS

- State Bar of Texas (Intellectual Property Section)
- Dallas Bar Association (Intellectual Property Section)
- American Intellectual Property Law Association
- Federal Circuit Bar Association
- Eastern District of Texas Bar Association
- Master of the Bar, Barbara M.G. Lynn Intellectual Property Inn of Court
- Board of Directors, Ursuline Academy of Dallas Dads' Club

AWARDS AND RECOGNITIONS

© 2026 Haynes and Boone, LLP

- Recognized as a Patent Star, 2026, by *Managing Intellectual Property*, Euromoney Institutional Investor PLC
- Recognized as a "Lawyer of the Year" in Litigation - Intellectual Property Law, by *The Best Lawyers America*, Woodward/White, Inc., 2024
- Recognized in *The Best Lawyers in America*, Woodward/White, Inc., for Litigation - Intellectual Property Law, 2011-2027, and Litigation - Patent, 2012-2027
- Recognized as a patent litigation leader by Patexia, Inc., 2025-2026
- Recognized in *Intellectual Asset Management* (*IAM*) *Patent 1000*: The World's Leading Patent Practitioners, Globe White Page Ltd, 2021-2026
- Recognized by *Benchmark Litigation*, Euromoney Institutional Investor PLC, as a "Litigation Star," 2021-2022 and an "IP Litigation Star", 2025-2026
- Recognized as a "Legal Lion" by *Law360* for a defense victory in an intellectual property trial in the Eastern District of Texas, 2019
- Recognized as a "2016 Lawyer of the Year" by *Best Lawyers*, Woodward/White, Inc., in Litigation - Intellectual Property, 2016
- Martindale Hubbell client review rated 5.0 out of 5 Preeminent, 2010
- Recognized by *Chambers USA,* Chambers and Partners, as a leading lawyer in Intellectual Property in Texas, 2010-2026
- Named in *Texas Super Lawyers*, Thomson Reuters, in Intellectual Property Litigation and Business Litigation, 2012-2025
- Recognized in *D Magazine*'s Best Lawyers of Dallas, D Magazine Partners, 2022, 2026
- Named in *Texas Super Lawyer Rising Stars*, Thomson Reuters, in Intellectual Property Litigation, 2005 and 2007

PUBLICATIONS AND SPEAKING ENGAGEMENTS

- "Judge Albright's Exit to Reverberate Among Texas Patent Cases," quoted, *Bloomberg Law*, April 23, 2026.
- "Downing Wellhead Equipment enforces its patents covering continuous pumping in hydraulic fracturing operations," co-author, *The Patent Lawyer Magazine*, June 27, 2023.
- "A View from the Witness Stand: What Works and What Doesn't from Counsel, Judge, and Damage Expert Witness Perspectives," panelist, The Center for American and International Law (CAIL) – 57th Annual Conference on Intellectual Property Law, Plano, Texas, November 11-12, 2019.
- "Recent Developments in Patent Venue," speaker, 15th Annual State Bar of Texas Advanced Patent Litigation Course, July 2019.
- "Evolving with Litigation Trends," panelist, IP Defense Summit, Seattle, WA, October 2018.
- "Being a Witness and Avoiding Being a Witness: Testifying at Deposition or at Trial," panel moderator, 14th Annual State Bar of Texas Advanced Patent Litigation Course, July 2018.
- "Ethical Issues in Patent Litigation: Navigating the Evolving Standards," panel moderator, AIPLA Electronic and Computer Law Summit, June 2018.
- "Impact of Lexmark v. Impression Products," speaker, 13th Annual State Bar of Texas Advanced Patent Litigation Course, July 2017.
- "Trade Secrets/Cyber Security/Design Patents/FRAND Licensing," module moderator, 54th Annual Conference on Intellectual Property Law, Center for American and International Law, November 2016.
- "Patent Litigation Update," moderator, AIPLA Annual Meeting, October 2016.
- "Patent Exhaustion: Past, Present, and Future," speaker, 12th Annual State Bar of Texas Advanced Patent Litigation Course, July 2016.
- "Alice in Wonderland: Amending Section 101 To Get Out of the Rabbit Hole," speaker, Dallas Bar Association IP Section, February 2016.

© 2026 Haynes and Boone, LLP

- "Back To the Future: A Return To Pre-1952 Law of 'Inventiveness,'" speaker, Center for American and International Law IP Conference, November 2015.
- "One Year in Wonderland: Dispositive Motions Post-*Alice*," speaker, 11th Annual State Bar of Texas Advanced Patent Litigation Course, July 2015.
- "Before and After *Octane Fitness*: A Case Study," speaker, 10th Annual State Bar of Texas Advanced Patent Litigation Course, July 2014.
- "Joint/Divided Infringement: Past, Present, & Future," speaker, 17th Annual University of Texas Advanced Patent Law Institute, November 2012.
- "A Strategic Approach to Post-Judgment Remedies: Identifying Factors Influencing Ongoing Royalties," speaker, HarrisMartin's Intellectual Property Law Conference, June 2012.
- "Not Done Yet: Post-Trial Remedies After *E-Bay*," speaker, 2012 AIPLA Spring Meeting.
- "IP Litigation in the United States," panelist, TechLaw Fall Conference, Pittsburgh, PA, November 2011.
- "Entire Market Value Rule: Recent Cases on Reasonable-Royalty Damages," author, *The Licensing Journal*, Vol. 30, No. 1, January 2010 and *IP Litigator*, Vol. 16, No. 1 January/February 2010.

QUALIFICATIONS

EDUCATION

- J.D., The University of Texas School of Law, 1997, *with honors*; Moot Court, Mock Trial; *Texas Intellectual Property Law Journal*
- B.S., University of Florida, 1988, *with high honors*

CLERKSHIPS

Judicial Intern, Texas Supreme Court Justice Nathan Hecht (1996)

ADMISSIONS

- Texas
- U.S. Patent and Trademark Office

COURT ADMISSIONS

- Texas Supreme Court
- United States Supreme Court
- U.S. Court of Appeals for the Federal Circuit
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Northern District of Texas
- U.S. District Court for the Southern District of Texas
- U.S. District Court for the Western District of Texas

© 2026 Haynes and Boone, LLP