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How This Firm Hit Its Stride With 9-Figure Patent Verdicts

By **Theresa Schliep**

Law360 (August 26, 2025, 8:34 PM EDT) -- When several Russ August & Kabat attorneys secured a \$122 million jury verdict for a client in an advertising patent infringement case against Amazon last summer, they kicked off a streak of nine-figure verdicts for the firm, including a \$175 million win last month in front of a Texas federal jury.

While there have been a couple of bumps along the way — **such as a reduction** to \$1 of what had been a \$533 million verdict against Western Digital for SPEX Technologies — the Russ August patent litigation team has landed some of the **biggest patent verdicts** of 2024 and 2025, which Russ August litigator Reza Mirzaie attributes to larger cases and convincing methods of calculating damages.

"This last year we've been fortunate enough to not only get bigger cases, but also have a better and more persuasive damages model," Mirzaie said.

Those cases include a Texas federal jury's finding in July that Verizon infringed a pair of wireless communications patents owned by Russ August client Headwater Research, **putting the telecommunications giant** on the hook for \$175 million in damages. That win was **followed up with** two August **settlements between** Headwater and Verizon in one case, and Headwater, AT&T and T-Mobile in another.

There's also the **\$279 million win** for Headwater in a case against Samsung in April, although some claims from one of the patents asserted in the case were **deemed invalid** by the Patent Trial and Appeal Board. Headwater has asked the U.S. Patent and Trademark Office acting director to review that decision.

And last summer, attorneys from Russ August also **obtained a \$262 million verdict** against hard drive behemoth Western Digital in favor of MR Technologies, as well as a **\$122 million win** for ad software company AlmondNet against Amazon in June 2024.

That AlmondNet case was the group's first-ever nine-figure verdict.

"I think we had maybe 15 wins in a row, starting in 2009," Mirzaie said. "But they were smaller cases, so despite winning them all, none were with verdicts that were \$100 million or above."

Mirzaie and Marc A. Fenster, co-chair of the firm's litigation department and chair of the patent litigation group, attributed this success to a number of factors: There's the damages model, which the attorneys said can vary a lot from case to case, as well as what Fenster described as a very intentional approach to avoiding conflicts as a firm, which means they can do a lot of the work in-house.

"We've been careful in how we've built our practice to avoid conflicts for the most part, which allows us to take on bigger cases with multiple defendants and be able to handle all of them in-house without having to rely on additional counsel that then puts the defendants in the position of having to coordinate joint defense counsel agreements," Fenster said.

There's also the firm's willingness to do cases on contingency, an arrangement that Mirzaie said seems to be favored by clients.

"We still like to align ourselves with owners of significant patent portfolios in terms of the kind of financial interest involved," Mirzaie said. "We find that they like it too, because they want us to be incentivized to get wins. They want us to be incentivized to do things other than just bill for the sake of billing."

But for all the firm's success over the past year-plus, there have been a couple of setbacks.

Russ August client SPEX Technologies **is appealing** a June decision from a California federal judge to reduce to \$1 what had been a \$553 million verdict against Western Digital. The judge had said SPEX's damages theory changed too much throughout the litigation, and that there isn't sufficient evidence to determine a reasonable royalty.

"I knew you would bring that up," Fenster said, laughing. "It's not a sore subject at all."

And a Texas federal jury in January **also found** Headwater was unable to show that Samsung infringed one of its patents in a suit seeking \$1.95 billion, which Fenster said was the first loss for the group since 2009. For a group that's used to favorable jury outcomes, Fenster said this verdict was tough.

"We're ultracompetitive, and we feel very personally invested in each of our clients," Fenster said. "That was maybe my 16th or 17th patent trial to verdict, and I hadn't heard 'no' on the first question since 2009."

But Fenster added that it was satisfying to vindicate that loss with the subsequent verdicts in favor of Headwater in Texas.

Working these trials for Russ August are teams that Fenster said typically start out small and get bigger as they get closer to trial. The group typically won't hire attorneys right out of law school, and generally likes to take on practitioners with several years of experience, Fenster said.

"I'm really proud of the team we've put together. The quality and the dedication of these professionals are just really incredible," he added.

Looking forward, Fenster and Mirzaie said they've been following the shake-ups at the PTAB, whose new bifurcated discretionary denial process has led to a reduction in the number of patent challenges instituted by the board. Russ August is **one of the most active firms** at the PTAB — but unlike other firms, they almost always are defending patent owners against invalidity challenges.

"I think it's a welcome change in terms of evening out the playing field a little bit," Mirzaie said. "[It] gives a little bit of a greater expectation that as a patent owner [with] something you developed and prosecuted through sometimes arduous, yearslong patent prosecution, there's a greater chance that you'll be able to maintain it."

Counsel for the companies in litigation with Russ August clients did not respond to requests for comment.

--Additional reporting by Adam Lidgett, Hailey Konnath, Rae Ann Varona, Gina Kim, Elliot Weld and Ryan Davis. Editing by Alanna Weissman.