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— SEE OUR SETTLEMENT ON PAGE 5 —

- Beth A. Wilkinson; Wilkinson Walsh Eskovitz; Washington, DC for Oculus VR Inc., Facebook Inc., Brendan Iribe, Palmer Luckey, John Carmack, Oculus VR LLC

Facts: Plaintiff ZeniMax Media Inc., owner of plaintiff id Software LLC and other video game studios, claimed that Oculus VR Inc. (later known as Oculus VR LLC), Oculus founder Palmer Luckey, Oculus Chief Executive Officer Brendan Iribe and Oculus Chief Technology Officer John Carmack infringed copyrights and misappropriated the plaintiffs' intellectual property relating to "virtual reality" technology in 2012 and 2013. In early 2012, Luckey was working on developing a virtual reality headset. At that time, Carmack was working on virtual reality software and technology at id Software, a company he had founded and which ZeniMax had purchased in 2009. In May 2012, Luckey signed a nondisclosure agreement with id Software, and Oculus obtained access to id Software's confidential software and technology. In summer 2013, Carmack left id Software and joined Oculus, and in 2014, Facebook Inc. acquired Oculus for more than \$2 billion in combined cash and stock. The plaintiffs claimed that their proprietary software and technology enabled Oculus to produce commercial virtual reality products. ZeniMax and id Software sued Oculus, Carmack, Luckey, Iribe and Facebook for misappropriation of trade secrets, copyright infringement, breach of the nondisclosure agreement (Luckey and Oculus only), tortious interference with a contract, unfair competition (Oculus and Facebook only), conversion (Carmack only), trademark infringement (Oculus, Luckey and Iribe only) and false designation (Oculus, Luckey and Iribe only). The plaintiffs alleged that Facebook knew or should have known of the wrongdoing of Oculus and its executives when it bought the company. The defendants denied the allegations, and Carmack counterclaimed for breach of his employment contract. Besides the parties' experts, a court-appointed computer forensics also testified. He was Andrew Rosen, of Cedar Park.

Injury: In March 2016, Oculus released a virtual reality headset, which the plaintiffs claimed was developed using the plaintiffs' software and technology. The plaintiffs

sought the amount by which they claimed the defendants had been unjustly enriched. Carmack sought damages for breach of his employment contract.

Result: The jury found copyright infringement by Oculus. (The jury also found infringement by Luckey, Iribe and Carmack, but that the copyright claims against them were barred by the defense of license or de minimis use.) The jury then answered a damages question as to this claim, awarding the plaintiffs \$50 million. The jury found breach of the nondisclosure agreement by Oculus. (The jury also found breach by Luckey, but that the contract claim against him was barred by the defense of laches.) The jury then answered a damages question on this claim, awarding the plaintiffs \$200 million. The jury found knowing and intentional false designation by Oculus, Iribe and Luckey. The jury then answered a damages question on this claim, awarding the plaintiffs \$50 million against Oculus, \$50 million against Luckey, and \$150 million against Iribe. The jury found that Carmack converted documents and code owned by ZeniMax. The jury found knowing and intentional trademark infringement by Oculus and Iribe, but did not award damages on that claim. The jury did not find misappropriation of trade secrets, tortious interference or unfair competition. The jury did not find that ZeniMax breached Carmack's employment contract. The total award is \$500 million.

Editor's Comment: This report is based on information that was provided by plaintiffs' and defense counsel.

NO. 3
PRODUCTS LIABILITY

Lawsuit alleged DePuy metal hip-implants were defective
Amount: \$247,498,791.00
Venue: Federal



Robert E. Haslam

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is proud to announce a Top Texas Verdict in 2017
#6 Motor Vehicle Verdict

Cassillo v. Cardinal Coach Line, Inc.

Amount: \$993,000.00

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TOP 2017 VERDICTS BY CATEGORY

Motor Vehicle						
Rank	Total	Date	Venue	Headlines	Case	Attorney(s)
1	\$39,960,000	5/3/2017	Harris County	While training for triathlon, bicyclist killed in trailer collision	Michelle Lynn Braswell individually and as independent executrix of the estate of William Markley Braswell, deceased, and as next friend of XXXX XXXXXXXX and XXXXXXXX XXXXXXXX, minors and Sandra South Braswell v. The Brickman Group Ltd, LLC and Guillermo Rafael Bermea	Richard Warren Mithoff (Lead), Mithoff Law Firm, Houston, TX; Janie L. Jordan, Mithoff Law Firm, Houston, TX; Joseph R. Alexander, Jr., The Alexander Firm, Houston, TX
2	\$38,978,670	11/16/2017	Dallas County	Truck driver lost control on icy road, led to fatal crashes	Jaswinder Chohan, Individually and as Next Friend and Natural Mother of GKD, HSD and AD, Minors and as Representative of The Estate of Bhupinder Singh Deol, Darshan Singh Deol and Jagtar Kaur Deol v. Guillermo Vasquez, Sarah Gregory, New Prime, Inc., d/b/a Prime, Inc., Orlando Santiago Ferrer, Pablo Diaz d/b/a P & O Transport, M.C. Van Kampen Trucking, Inc. and Cindy L. Erving	J. J. Burns, Dollar, Burns & Becker, L.C., Kansas City, MO; Tim Dollar, Dollar, Burns & Becker, L.C., Kansas City, MO; Greg Marks, Guajardo & Marks LLP, Dallas, TX; Tim Tate, Tate Law Offices PC, Dallas, TX; Michael H. Bassett, The Bassett Firm, Dallas, TX; Micky N. Das, Tyler & Das, Houston, TX
3	\$6,095,000	3/10/2017	Dallas County	Three of four plaintiffs claimed brain injuries in major pile-up	Daniel Price v. Jesus Adalberto Moncivais-Romero	Stephen L. Daniel, Clay Jenkins & Associates, Waxahachie, TX; Kirk L. Pittard, Kelly, Durham & Pittard, Dallas, TX; Steven C. Laird, Law Offices of Steven C. Laird P.C., Fort Worth, TX; Steven R. Samples, Samples Law Group, Fort Worth, TX
4	\$1,512,467	5/3/2017	Harris County	Police officer failed to yield right of way	Samantha Foster v. City of Houston	Karl R. Schneider (Lead), Bergquist Law Firm, Houston, TX; Selina A. Contreras, Bergquist Law Firm, Houston, TX
5	\$1,008,000	9/14/2017	Upshur County	Cop in pursuit took left turn, hitting plaintiffs in oncoming car	Odis Gray Jr. and Terry Thomas v. City of Gilmer	Brent Goudarzi, Goudarzi & Young, LLP, Gilmer, TX; Marty Young, Goudarzi & Young, LLP, Gilmer, TX
6	\$993,000	3/9/2017	Tarrant County	Charter bus veered off highway, struck barrier and rolled over	Stephen Cassillo and Mareia Cassillo v. Cardinal Coach Line, Inc. and Loyd E. Rieve	Robert E. Haslam, Haslam & Gallagher, Fort Worth, TX
7	\$950,000	3/24/2017	Dallas County	Accident caused aggravation of old hip injury, plaintiff alleged	Laura M. Gomez v. Kristopher Hutchings and Serengeti Enterprises, Inc.	Ray T. Khirallah, Jr., Law Office of Mike Guerra, Burke & Khirallah, LLP, San Antonio, TX; Chris Hamilton, Standly Hamilton, LLP, Dallas, TX
8	\$765,104	2/23/2017	Harris County	Driver claimed he'll need neck and back disc surgeries	Charles Weiss v. Nationwide Mutual Insurance Co. and Nationwide Property and Casualty Insurance Co.	Chance A. McMillan, Garcia McMillan, PLLC, Houston, TX; Lance N. Walters, Tracey & Fox, Houston, TX
9	\$683,179	11/1/2017	Wise County	Plaintiff claimed oncoming driver crossed center line	Kenneth Doyle Bryan, Jr. v. Kyle Edward Stephens, Individually and d/b/a North Texas Extinguisher Service	John M. Cummings, Stephens, Anderson & Cummings, L.L.P., Fort Worth, TX; B. Adam Drawhorn, Stephens, Anderson & Cummings, L.L.P., Fort Worth, TX
10 (tie)	\$650,000	3/14/2017	Collin County	Plaintiff claimed broadside caused need for back surgery	Vanessa Snitker v. Travis Joseph Tyler and Star Papa L.P.	Randall Reed (Lead), Weiner, Glass & Reed, Dallas, TX; Carlos R. Cortez, Provost & Cortez, Dallas, TX
10 (tie)	\$650,000	11/14/2017	Harris County	Plaintiff claimed aggravation of pre-existing lumbar condition	Milad Attalla, Individually and as Next Friend of James Attalla, a Minor v. Randall Scott Hulsey	Eric D. Nielsen (Lead), The Nielsen Law Firm, P.C., Houston, TX; Daniel Cienfuegos, Jr., The Nielsen Law Firm, P.C., Houston, TX
12	\$517,285	6/20/2017	Montgomery County	Plaintiff claimed back injuries from broadside collision	Richard Frazier v Bethany Salas	Eric D. Nielsen (Lead), The Nielsen Law Firm P.C., Houston, TX; Daniel Cienfuegos, Jr., The Nielsen Law Firm P.C., Houston, TX
13	\$440,000	11/29/2017	Victoria County	Plaintiff is a candidate for spinal surgery, doctor testified	Daniel Cantu v. Gabriel Ruiz	Charles Cole, Cole, Easley, Sciba & Williams, P.C., Victoria, TX; R. Luther Easley, Cole, Easley, Sciba & Williams, P.C., Victoria, TX
14	\$320,000	8/1/2017	Goliad County	Rear-ender forced driver off road where he rolled over	Warren Lee Gohlke v. Progressive Insurance Company	R. Luther Easley, Cole, Easley, Sciba & Williams, PC, Victoria, TX; William Louis Sciba, III, Cole, Easley, Sciba & Williams,