

THE AM LAW LITIGATION DAILY

Litigators of the Week: Hitting Apple With Record \$5.7B Patent Verdict

By Ross Todd

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Our Litigators of the Week are **Tigran Guledjian**, **Scott Watson** and **Lance Yang** of **Quinn Emanuel Urquhart & Sullivan**.

They helped their client Taction Technology secure a record \$5.7 billion patent damages verdict against Apple Inc. last week from federal jurors in San Diego. The jury found that certain models of the iPhone and Apple Watch infringed two Taction patents covering haptics, the vibration-based technology that allows devices to interact with the sense of touch. Jurors also rejected Apple's invalidity defenses, although they declined to find the infringement willful.

Lit Daily: How did this matter come to you and the firm?

Lance Yang: Quinn Emanuel is known for winning bet-the-company patent cases, including for companies that want to enforce their intellectual property rights. Once Taction decided they needed a strong legal team to take on Apple, their search brought them to **Sean Pak**, one of our partners in San Francisco. Sean and Taction met and, as the saying goes, the rest is history.



Courtesy photos

L-R: Tigran Guledjian, Scott L. Watson and Lance Yang of Quinn Emanuel.

Who was on your team and how did you divide the work at trial?

Tigran Guledjian: This win does not happen without a great team. While Scott, Lance, and I spent our days in court, **Valerie Lozano** was the general who commanded our army and made sure all the pieces were in the right place and always ready to go. Our team was made up of attorneys from QE offices around the country. Every team member helped on all issues, but at a high level, **Jonathan Tse**, **Landon Smith** and **Razmig Messerian** worked up the technical side of the case; **Ryan Hudash** focused on

damages; and **Maggie Miltko** managed our daily deadlines and disclosures. **David Cooper**, with help from **Pooja Parekh**, led the charge on jury instructions. **Nick Setty** was also there to lend his sage advice whenever it was needed.

QE has a firmwide program called Additional Associate in Trial, or AAIT, where we send first-year associates to trials for cases on which they've never worked. We believe that this opportunity provides an invaluable experience for young attorneys. **Rachel Oda** was our AAIT for this trial. Rachel became so invested in the outcome that she stayed past her original departure date just to hear the verdict live.

What is the technology and how did you teach it to the jury?

Lance Yang: The technology falls under the umbrella of haptics, which is the science of using touch to communicate information. This case focused on the parts inside a product that vibrate. Even if you've never heard of haptics, you likely have at least one device that uses haptics. Our phones vibrate when calls come in or when we tap on the graphical keyboard on the screen. You may have gotten a little slab of plastic that vibrates when your table or order is ready at a restaurant. If you're an audiophile or gamer, you might have headphones that vibrate along with the music or sound effects. These are all examples of haptic applications.

Taction's technology enables a more expressive and immersive haptic experience. The analogy we used throughout the trial was a comparison to a piano. Older technology was limited to one vibration speed or frequency, like hitting a single piano key. Taction's patents enable products to use all the keys on the piano. Imagine listening to music where you

hear the music through your ears and also feel the music on your skin.

Some of your colleagues secured a ruling last year reviving this case at the Federal Circuit after it had previously been knocked out on summary judgment. How did those first five years of litigation, including the summary judgment loss and Federal Circuit reversal, shape the case you ultimately put in front of the jury?

Yang: Of course, we would not have gotten to this point without the work of our colleagues **John Bash** and **Sean Pak**, who convinced the Federal Circuit to vacate the summary judgment ruling of non-infringement in August of 2025.

Those early years laid the groundwork for our case at trial. We believed we had a strong case from the start, which was confirmed by the Federal Circuit's decision. This meant that some of our theories for the case came back even stronger. For trial, we adjusted our presentation to focus on those areas.

Before the case was stayed, we had completed fact discovery and submitted our expert reports. But when the case came back, we made the strategic decision to reopen discovery for the very limited purpose of adding the products that were released after discovery closed the first time. While others may have been tempted to ask for a do-over, we did not want or need to open the door to bringing in new theories to the case.

Mr. Guledjian, how did you land on the metaphor of tuning forks and a full piano to describe the innovation at hand here during your openings?

Guledjian: We used the tuning fork and the piano to convey two separate concepts. Lance

already touched on the piano above. That idea came from a conversation with Dr. Biggs, the inventor of the patents. At one point, he had explained that the words “haptic” and “acoustic” are related concepts. Acoustic describes hearing vibrations and haptic describes feeling vibrations. That led us to the piano.

The tuning fork arose because we needed a simple way to introduce the concepts of frequency and natural resonance to the jurors. Frequency, in this context, is the number of cycles per second that a vibration undergoes and it’s measured in hertz. Natural resonance refers to the frequency at which an object likes to vibrate. That’s not easy to teach to someone in an opening statement.

So, we used the simple, household example of a tuning fork. A tuning fork vibrates at its natural resonant frequency, which many of us understand as the pitch of the tuning fork. You can buy tuning forks for pretty much any pitch you’d like to hear, whether it be C sharp or G flat.

You had to ask to close the courtroom from time to time when the subject turned to information deemed confidential by Apple. How did that affect the flow of your presentation?

Scott Watson: It’s not unusual to structure your presentation around what your opponent wants sealed, but we deal with it more in high tech cases. We focus on structuring each examination to group sensitive information together to minimize interruptions in the flow. This was particularly important to Lance and me for our closings.

That said, once we knew we had to interrupt our presentations to accommodate sealing requests from the other side, we tried to organize the presentation so that the sealing itself

might signal to the jurors that we are about to discuss something important.

Apple, in statements post-trial, has said Taction’s own testing demonstrated that its Taptic Engine is fundamentally different from Taction’s technology. How did you turn what Apple saw as some of its best technical evidence into evidence that led to an infringement finding?

Yang: Context matters, and we considered how best to present every piece of evidence to the jurors. In this case, we felt that Apple had taken Taction’s testing out of context. So, it was important to have the jurors understand why Taction performed the tests and what the results showed. When viewed through the proper lens, those tests supported Taction’s theory of the case.

Mr. Watson, in your portion of the closing argument, you called attention to the fact that Apple didn’t offer any evidence about how the company typically handles patent licensing negotiations. Why was that absence significant to your damages case?

Watson: The evidence a party doesn’t present can sometimes be every bit as telling as the evidence they do offer. Here, Apple made some strategic choices about what not to share with the jury and we took the opportunity to point those out. It seems that resonated with the jury.

What do we know about how these jurors got to \$5.72 billion? How closely does that track the damages case you put before them?

Watson: Obviously, there is confidential information we cannot discuss that was part of our damages presentation. But the jury knew the scope of infringement covered a lot of products over many years. And we made

a compelling case that Taction's technology contributed significant value to those products. At the end of the day, apparently the jury saw that value too.

Burford Capital, in a statement noting that it would be entitled to \$1.4 billion of the verdict's proceeds if it were to stand, noted "very few large patent verdicts survive the post-verdict process intact, and that process will unfold over a considerable period of time." What, if anything, gives you hope this number could stick?

Guledjian: The jurors heard from many witnesses, weighed the evidence, including the evidence of the value that Taction's inventions provided Apple, and came back with a damages award that reflects their collective judgment.

What will you remember most about this matter?

Yang: I'll go out on a limb and say that our entire team will remember the damages verdict for quite some time. But the memories that I will come back to most often will be the sudden moments of inspiration that changed how we had been thinking about a witness examination or piece of evidence. We have more

than our fair share of those memories from this trial.

Watson: Every case we litigate against well-resourced defendants on behalf of a small company is special. I'm lucky enough to have had a couple of wins for the little guy against excellent lawyers representing a large company with essentially unlimited resources. And those wins always hit you a little differently. Our clients here put a lot of faith in Lance, Tigran, Valerie and our entire team. And it was very rewarding to deliver for them.

Guledjian: Working with Scott and Lance, shoulder to shoulder, in the courtroom. All three of us are homegrown Quinn Emanuel lawyers, and all three of us are based in the Los Angeles office. Scott and I joined the firm as second-year associates more than 25 years ago, and Lance followed shortly thereafter as a summer associate. It is a remarkable testament to Quinn Emanuel's ability to train and develop first-chair trial lawyers. But perhaps what makes this win even more meaningful is that more than colleagues and teammates, we are friends. It was, and remains, a genuine privilege to stand beside these two exceptional trial lawyers in the courtroom.