

Big Law Defectors Score \$85M Verdict in Google Patent Trial



Jeff Eichmann

Posted by Jan Wolfe
March 20, 2014

When Greg Dovel and Jeff Eichmann left prestigious law firms to become contingency fee plaintiffs lawyers, some of their Harvard Law School classmates were left scratching their heads. Dovel and Eichmann sometimes doubted the move themselves. But no one was second-guessing their unconventional career path on Wednesday, when the duo and their colleagues at Dovel & Luner won a big verdict in a patent case against Google Inc.

Following a minitrial on damages, a Marshall, Texas, jury determined that Google should pay \$85 million for infringing a single patent owned by SimpleAir Inc., a nonpracticing entity. Dovel and Eichmann helmed SimpleAir's trial team, squaring off against Google's lawyers at Kilpatrick Townsend & Stockton. Google had argued that it should pay no more than \$6 million.

The verdict was Google's second big loss in the case. In January, a different jury concluded that Google infringed SimpleAir's patent but couldn't agree on damages. Google's lawyers urged U.S. District Judge Rodney Gilstrap to set aside the verdict, but he instead opted to accept the finding of infringement and let a new jury decide damages.

SimpleAir is controlled by two inventors who only assert their own patents. In the 1990s they patented a wireless notification system for computers—an early predecessor of "push" technology now ubiquitous on smartphones. The technology got rave reviews at trade fairs, but it didn't have any commercial success. One of the two inventors, John Payne, went on to become CEO of Stamps.com and took that company public.

SimpleAir's victory on Wednesday also marks one of the most high-profile wins yet for Los Angeles-based Dovel & Luner, which has unusual clout for an eight-person law firm. Its highlights include wresting a settlement valued at more than \$100 million from Cisco Systems Inc. and other defendants in a patent case. High-profile litigators like Miguel Estrada of Gibson, Dunn & Crutcher and Irell & Manella's Brian Hennigan are willing to vouch for the firm, according to its website.

Dovel clerked for two U.S. Supreme Court justices, Antonin Scalia and Warren Burger, and he made partner at Kaye Scholer in 1995.

In his first case after leaving Kaye Scholer and cofounding Dovel & Luner with Sean Luner in 1998, he won a \$2.5 million verdict against NBC Universal Inc. on a 50 percent contingency. Dovel's client, infomercial producer Tony Hoffman, was shopping around a videotaped post-acquittal interview with O.J. Simpson, and he alleged that NBC reneged on a promise to display an 800 sales number if it broadcast clips from the video.

"Nobody wanted that case," Dovel told us. "NBC wasn't offering 10 cents in settlement."

Eichmann followed a somewhat similar path. Back in 2002, he summered at Quinn Emmanuel Urquhart & Sullivan. According to Eichmann, name partner William Urquhart offered him an associate gig relatively early in the summer program. After much consternation, Eichmann turned it down so he could work at Dovel & Luner. "You don't like to disappoint [Urquhart]. He has this Clinton-esque charm to him," Eichmann said.

Why Dovel & Luner? During law school, the neighbor of one of Eichmann's friends asked for legal help with an entertainment law matter. As any ambitious summer associate would do, Eichmann pitched the case to a head honcho at Quinn Emanuel. The partner turned it down, but he gave Eichmann two referrals. One of them was Greg Dovel.

After meeting Dovel, Eichmann grew enamored with his high-stakes contingency fee practice. Dovel & Luner wasn't hiring, but Eichmann managed to talk his way into becoming the first associate there. At the time, the firm didn't even have a website. "A lot of people were skeptical," Eichmann said.

There were times when Eichmann envied the perks enjoyed by Quinn Emanuel associates he kept in touch with, especially the social events and happy hours. "When I came to [Dovel & Luner], there were three partners, all at least 10 years older than myself and married," Eichmann remembers. "You worked and then you went home."

Now 35, married, and with a big verdict under his belt, Eichmann said he doesn't regret his choice one bit. "I got experience I wouldn't have gotten anywhere else," he said.