



NINTH CIRCUIT REINSTATES HSG'S \$81 MILLION JURY VERDICT AGAINST BOEING

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Today, the Ninth Circuit reinstated in full an \$81 million trade secrets jury verdict in favor of Zunum Aero, an aerospace startup, against Boeing, one of the world's largest aerospace companies. The appeal win represents a complete vindication of the trial victory obtained by Holwell Shuster & Goldberg in May 2024.

Last year, after an eight-day trial, a jury unanimously found that Boeing misappropriated trade secrets from Zunum related to the development of electric and hybrid-electric aircrafts. In August 2024, the verdict was tossed by the Washington federal judge who presided over the trial, and alternatively ordered a new trial.

Almost exactly a year later, the Ninth Circuit unanimously reversed the district court's determination and reinstated the original jury verdict in full. The panel found in Zunum's favor on every issue, denied the district court's new-trial ruling as an abuse of discretion, and reassigned the case to a new judge for post-trial proceedings.

The reinstated verdict holds that Boeing misappropriated 11 of Zunum's trade secrets and unjustly enriched itself in the process, and that Boeing's misappropriations were willful and malicious. The jury also found that Boeing breached an NDA and tortiously interfered with Zunum's prospective relationship with the Safran Group, a French aerospace conglomerate. The district court will now determine Zunum's post-judgment motion seeking prejudgment interest, as well as exemplary damages and attorneys' fees on the trade-secret verdict given the jury's determination that Boeing's misappropriation was wilful and malicious.

HSG partner Vincent Levy led the successful appeal in the Ninth Circuit, with associates Jack Millman, Brian Goldman, Charlotte Baigent, and Daniel Fahrenthold. HSG Partners Scott Danner and Vincent Levy led the trial team to victory in May 2024, assisted by associates Brian Goldman and Charlotte Baigent; former associates Benjamin Ahn and Adam Burton; former law clerk Rebecca Kelly; and paralegals Michael Brestin and Juliette Berger. Steven W. Fogg of Corr Cronin LLP served as local counsel to Zunum.

HSG's appellate win garnered extensive media coverage, including in Reuters, Business Insider, Law360 (including Law360's Legal Lions column), World IP Review, Seattle Times, and Aviation Week, among many others.

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