

## Bold vision leads to legal powerhouse

By Shane Nelson

Daily Journal Staff Writer

Longtime litigator Larry C. Russ struck out on his own in the late 1980s, hoping to build a law firm that operated far differently from those where he practiced previously.

“From my experience at the firm where I worked as an associate, I learned that when the partners didn’t have a good relationship and didn’t trust each other and - to be frank - were greedy, that’s not a formula for success,” Russ said.

In 1990, Russ teamed up with attorneys Richard L. August and Jules L. Kabat to officially launch Russ August & Kabat in Los Angeles, where the trio focused early on business, real estate, antitrust, copyright and trademark litigation.

“I wanted to build a firm where people really loved each other, got along, were on the same page and wanted to have a longterm relationship. That was important to us,” Russ explained. “So culturally, we had what we called ‘the no-asshole rule.’ We just didn’t want to have anybody that wasn’t a nice person.”

Fast forward 35 years, and the firm is home to just over 50 total attorneys these days and now also features a large patent litigation practice, made up of 32 lawyers. Trial attorney Marc A. Fenster, who joined the firm in 2003, chairs the shop’s patent litigation group.

“I had been at Irell, ... but it was stifling a little bit in terms of building a practice,” Fenster said. “When you’re at a big firm, there’s not much mentoring in terms of business development and the business of law. ... And Larry was



Larry Russ and Marc Fenster at their office in Los Angeles on Monday, February 3. | Justin L. Stewart/LA Daily Journal

gifted in that regard and generous with his advice, and so I really felt like this would be a place where I could build a practice.”

A 1995 UCLA School of Law graduate, Fenster also completed undergraduate and graduate degrees in bioengineering at UC San Diego.

“I had the idea to go into patent litigation before I went to college,” Fenster recalled with a chuckle. “My dad was an engineer, and I was always good in math and science and loved it, but I did debate, and I loved that, too, and decided I wanted to go to law school.”

Russ noted that he first started thinking about building out a patent

litigation practice at Russ August & Kabat in the early 2000s, but he knew he needed an attorney with a technical background to run it properly.

“I met Marc, and over a period of months tried to convince him this was a good idea,” Russ explained, noting that he was introduced to Fenster through a mutual friend. “I mean Irell was paying very well, and I was asking this guy to leave a very prestigious firm to come over to this tiny firm and build this patent practice - this dream of mine. ... In the end, I think it took me about six months’ worth of lunches.”

In August last year, Fenster earned a \$262.3 million jury verdict on be-

half of his client in a patent infringement case against *Western Digital Technologies, Inc. MR Technologies v. Western Digital Technologies, Inc.*, 8:22-CV-01599-JVS-DFM (C.D. Cal., filed May 25, 2023).

“I am a firm believer in the constitutionally protected patent system and that it really is important to promote innovation,” Fenster said. “So, when we’re representing inventors, which is where I specialize, I feel like we’re on the right side of things, and I feel really good about that.”

Russ said Fenster is “one of the best trial lawyers in the country today.”

“One of the reasons for Marc’s success is he has this uncanny ability to explain complicated things to luddites like me and to juries that don’t have any technical experience,” Russ explained. “These patent cases sometimes are profoundly difficult. ... And these trials usually take one week, so you have maybe two days to explain this complicated technology to a jury. And Marc has become amazing at that.”

Russ noted, meanwhile, that the firm has also over the years added entertainment and mergers and

acquisitions practice groups.

“We now have like six or seven M&A attorneys, and it’s growing,” he said. “I think that practice handled its first almost billion-dollar deal in 2024.”

Los Angeles litigator David W. Affeld has opposed Russ August & Kabat on a few different cases in the past.

“They met what I would describe as high, big law standards, like what you’d see from good lawyers at top firms,” Affeld said. “There are a lot of good lawyers over there, and the quality of the

work product that comes out of that shop is strong. ... They do not leave anything on the table for their clients.”

Affeld opposed Russ specifically in the past on a particularly long-running, complex dispute.

“Larry was very smart. He was strategic,” Affeld said. “And the strategic vision was backed by technically strong lawyering - his own and the people working under him. ... You’re in for a hard fight [with them], and there’s going to be really good lawyering on the other side.”

Russ August & Kabat isn’t aggressively looking to grow at the moment, according to Russ, who said he’d prefer to keep the shop’s attorney count around 50.

“We really don’t want to be a big firm. We like the size that we are,” he said. “And at some point, we might just be more selective in taking on cases rather than growing. ... We want to preserve the culture of the firm, and when you grow too large, it’s hard to maintain that.”

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