

Daily Journal

FEBRUARY 25, 2026



THE TRIAL VERDICTS AND APPELLATE REVERSALS THAT CHANGED THE CALIFORNIA LEGAL LANDSCAPE IN 2025

WhatsApp Inc. et al. v. NSO Group Technologies Ltd. et al.

Meta and WhatsApp secured a unanimous jury verdict in April 2025 ordering NSO Group to pay more than \$167 million in punitive damages for using spyware to attack WhatsApp servers and surveil users, including journalists, human rights activists and political dissidents.

The verdict followed a six-day trial that included testimony from NSO executives admitting to installing spyware on thousands of WhatsApp devices. The court later reduced the award to \$4 million and, in November 2025, entered a permanent injunction prohibiting NSO Group from engaging in activities that target *WhatsApp Inc. et al v. NSO Group Technologies Limited et al.*, 4:19-cv-07123 (N.D. Cal. filed Oct. 29, 2019).

“The jury’s verdict and the court’s permanent injunction send a powerful message to NSO and other malicious actors that the consequences for those who target U.S. companies for unlawful purposes will be severe, and that WhatsApp is off-limits to spyware makers,” said Davis Polk & Wardwell LLP partner Greg Andres.



GREG D. ANDRES



ANTONIO J. PEREZ-MARQUES



MICAH G. BLOCK

Meta and WhatsApp filed suit in the U.S. District Court for the Northern District of California in October 2019, after engineers discovered that NSO Group was using spyware called Pegasus to attack WhatsApp servers, said fellow partner Greg Andres. The complaint alleged that between April and May 2019, NSO Group accessed WhatsApp’s servers without authorization to install spyware on the mobile devices of more than 1,400 WhatsApp users.

The case proceeded through years of litigation, including NSO Group’s failed interlocutory appeal to the Ninth Circuit, Andres said. In December 2024, the district court granted summary judgment on all claims in favor of Meta and WhatsApp. The court also granted in part Meta and WhatsApp’s motion for discovery sanctions, based on NSO Group’s failure to produce the source code for its Pegasus spyware as ordered by the court.

The case marks the first jury verdict against a commercial spyware company in a U.S. court and the first U.S. verdict against NSO Group, which was added to the Department of Commerce Entity List for activities contrary to the national security or foreign policy interests of the United States in November 2021. The California federal jury’s verdict marks the largest reported verdict in a civil case brought under either the Computer Fraud and Abuse Act or the California Comprehensive Computer Data Access and Fraud Act.

Discovery presented challenges given NSO Group’s business model of secrecy and concealment, Davis Polk partner Antonio Perez-Marques said. NSO argued that much of the requested discovery, including the code for Pegasus, constituted state secrets that would be illegal to produce in the United States. Litigating and winning that dispute, pursuant to the Ninth Circuit’s Richmark standard, opened up discovery, including depositions of NSO executives conducted in London.

Case Details

DOLLAR AMOUNT	\$168 million
CASE NAME	WhatsApp Inc. et al. v. NSO Group Technologies Ltd. et al.
TYPE OF CASE	Fraud, Computer Fraud and Abuse Act
COURT	U.S. Northern District
JUDGE(S)	Phyllis J. Hamilton
PLANTIFF LAWYERS	Davis Polk & Wardwell LLP, Greg D. Andres, Antonio J. Perez-Marques, Micah G. Block, Luca Marzorati
DEFENSE LAWYERS	King & Spalding LLP, Joseph N. Akrotirianakis, Jonathan Weinberg, Matthew Noller, Aaron B. Craig, Matthew H. Dawson

During those depositions, the legal team learned that NSO had continued targeting WhatsApp servers to install Pegasus spyware after the lawsuit was filed, Perez-Marques said.

“For example, we secured key admissions from NSO’s head of R&D,

Tamir Gazneli, that NSO repeatedly attacked WhatsApp’s servers and that NSO deliberately concealed its activities from WhatsApp, because NSO knew WhatsApp would stop the attacks if they were detected,” Perez-Marques said.

The trial focused on ensuring that NSO’s spyware attacks were explained to the jurors, Block said. The legal team relied on testimony from Meta and WhatsApp’s engineers who explained their efforts to identify and respond to NSO’s attacks.

“One of our key arguments, backed by substantial documentary evidence and testimony, was that NSO’s spyware attacks on WhatsApp were not just deliberate and in knowing disregard of the rights of WhatsApp, but they were also repeated and even continued after the lawsuit was filed,” Andres said.



Associate Spotlight: Senior associate Luca Marzorati stepped up as a star member of the Davis Polk trial team. As lead counsel, Greg Andres noted, “Luca was an absolute master of the factual record, a crucial member of the trial-strategy brain trust, and a key participant in preparing for all of the most important trial events --- directs, crosses, jury addresses, legal arguments, you name it. He was everywhere!” Tony Perez-Marques added, “Luca paired technical excellence with a deep focus on relationships. He won the trust of WhatsApp and Meta’s legal teams and all of our trial witnesses. We could not have achieved this result without him.”