

**LAUREN R. KINDLER**

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Ms. Kindler has worked on a variety of engagements, including intellectual property (IP) disputes, contract disputes, litigation matters related to securities and finance, false advertising allegations, and antitrust matters. In litigation matters, she has testified in deposition and at trial, and assisted in all phases of the litigation process, including discovery, expert reports, deposition, and trial preparation. In patent infringement matters, Ms. Kindler has analyzed claimed lost sales, claimed lost profits, and claimed reasonable royalty damages. In antitrust matters, she has assessed the competitive consequences of mergers, analyzed the competitive behavior of market participants, and estimated the impact of market power. Her work has also included the development of complex damages models, the analysis of statistical data, and the analysis of stock price movements. Prior to joining Analysis Group, Ms. Kindler held positions with two economics consulting firms.

**EDUCATION**

2006 M.A., economics, Southern Methodist University

1995 B.A., economics (*cum laude*), Tulane University

**PROFESSIONAL EXPERIENCE**

2000–Present Analysis Group, Inc.

1998–1999 National Economic Research Associates, Inc. (NERA)

1996–1998 The Brattle Group

**SELECTED EXPERT CASEWORK**

▪ ***Carolyn W. Hafeman v. LG Electronics, Inc.***

*US District Court, Western District of Texas*

Retained as an expert witness for LG to evaluate damages resulting from LG’s alleged infringement of certain patents relating to specific features of Find My Device. Prepared expert report and testified in deposition and trial. (2023)

▪ ***Au New Haven, et al. v. YKK Corporation, et al.***

*US District Court, Southern District of New York*

Retained as an expert witness for YKK to evaluate the plaintiffs’ claimed damages resulting from YKK’s alleged breach of the parties’ exclusive license agreement (related to sales allegedly made into unlicensed fields) and alleged infringement of the plaintiffs’ patents relating to polyurethane-laminated zippers. Prepared two expert reports and testified at deposition. (2017 and 2023)

- ***Regents of the University of Minnesota v. Sprint Solutions, Inc. and Sprint Spectrum, L.P. et al.***  
*US District Court, Minnesota*  
Retained as an expert witness for Sprint to evaluate damages resulting from its alleged infringement of certain patents relating to 4G LTE wireless service using base station equipment and software provided by Intervenor. Prepared expert report. (2023)
- ***Regents of the University of Minnesota v. Cellco Partnership d/b/a Verizon Wireless et al.***  
*US District Court, Minnesota*  
Retained as an expert witness for Verizon to evaluate damages resulting from its alleged infringement of certain patents relating to 4G LTE and/or 5G NR wireless service using base station equipment and software provided by Intervenor. Prepared expert report. (2023)
- ***Regents of the University of Minnesota v. T-Mobile USA, Inc. et al.***  
*US District Court, Minnesota*  
Retained as an expert witness for T-Mobile to evaluate damages resulting from its alleged infringement of certain patents relating to 4G LTE and/or 5G NR wireless service using base station equipment and software provided by Intervenor. Prepared expert report. (2023)
- ***Regents of the University of Minnesota v. AT&T Mobility LLC et al.***  
*US District Court, Minnesota*  
Retained as an expert witness for AT&T to evaluate damages resulting from its alleged infringement of certain patents relating to 4G LTE and/or 5G NR wireless service using base station equipment and software provided by Intervenor. Prepared expert report. (2023)
- ***VoIP-PAL.com, Inc. v. Amazon, Inc. et al.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Amazon to evaluate damages resulting from its alleged infringement of VoIP-PAL's patents relating to the Alexa calling function. Prepared expert report and testified in deposition. (2023)
- ***Impinj, Inc., v. NXP USA, Inc., NXP B.V., and NXP Semiconductors Netherlands B.V.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Impinj to evaluate damages resulting from NXP's alleged infringement of certain patents relating to RAIN RFID technology and, with respect to NXP's counterclaims, to evaluate damages resulting from Impinj's alleged infringement of NXP patents relating to RAIN RFID technology. Evaluated Impinj's lost profits and reasonable royalty damages and NXP's lost profits and reasonable royalty damages. Prepared two expert reports and testified in deposition. (2023)
- ***Wolfspeed, Inc. and Ideal Industries Lighting, LLC d/b/a Cree Lighting v. CAO Lighting, Inc.***  
*Patent Trial and Appeal Board, U.S. Patent and Trademark Office*  
Retained as an expert witness for CAO Lighting to evaluate economic evidence of commercial success of products embodying the challenged claims of the patents at issue. Prepared declaration and testified in deposition. (2023)
- ***MCP IP, LLC v. Ravin Crossbows, LLC.***  
*US District Court, Western District of Wisconsin*  
Retained as an expert witness for Ravin Crossbows to evaluate damages resulting from Ravin Crossbow's alleged infringement of MCP's patents relating to certain crossbow products. Prepared expert report. (2023)

- ***Yuga Labs, Inc. v. Ryder Ripps and Jeremy Cahen***  
*US District Court, Central District of California*  
Retained as an expert witness for Yuga Labs to evaluate damages resulting from Defendants' alleged infringement of Yuga Labs' trademarks and alleged false advertising associated with its RR/BAYC NFTs. Prepared expert report and declaration and testified in deposition. (2023)
- ***Stitch Editing Ltd. v. TikTok, Inc. et al.***  
*US District Court, Central District of California*  
Retained as an expert witness for TikTok and ByteDance Ltd. to evaluate Stitch Editing's damages associated with TikTok and ByteDance's alleged infringement of Stitch Editing's trademark and common law trademark rights. Prepared expert report and testified in deposition and trial. (2023)
- ***CAO Lighting, Inc. v. General Electric Company, Consumer Lighting (U.S.) LLC d/b/a GE Lighting and Current Lighting Solutions, LLC***  
*US District Court, Delaware*  
Retained as an expert witness for CAO Lighting to evaluate its royalty damages associated with Defendants' infringement of CAO Lighting's patent relating to LED lighting sources. Prepared two expert reports and testified in deposition and trial. (2023)
- ***Vervain, LLC v. Micron Technology, Inc. et al.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Micron to evaluate damages resulting from Micron's alleged infringement of Vervain's patents relating to certain flash memory products. Prepared expert report and testified in deposition. (2023)
- ***Nichia Corporation v. Feit Electric Company, Inc.***  
*US District Court, Central District of California*  
Retained as an expert witness for Nichia to evaluate Nichia's damages resulting from Feit's infringement of its patent related to filament style LEDs. Evaluated Nichia's reasonable royalty damages. Also evaluated the commercial success associated with patent-practicing products. Prepared three expert reports and testified in deposition and trial. (2023)
- ***Envirotainer AB v. DoubleDay Acquisitions LLC d/b/a CSafe Global***  
*US Patent and Trademark Office – PTAB*  
Retained as an expert witness for Envirotainer to evaluate commercial success attributable to CSafe's Challenged Patents relating to VIP technology for use in active air cargo containers. Prepared expert declaration and testified in deposition. (2023)
- ***Estech Systems IP, LLC v. Conduent Business Services LLC. et al.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Conduent to evaluate damages resulting from Conduent's alleged infringement of Estech's patents relating to VoIP telephone systems and network equipment. Prepared expert report. (2023)
- ***Estech Systems IP, LLC v. Liberty Mutual Group, Inc.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Liberty Mutual to evaluate damages resulting from Liberty Mutual's alleged infringement of Estech's patents relating to VoIP telephone systems and network equipment. Prepared expert report. (2023)

- ***Via Transportation, Inc. v. RideCo, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for RideCo to evaluate damages resulting from Via's alleged infringement of RideCo's patents with respect to RideCo's counterclaims and damages resulting from RideCo's alleged infringement of Via's patents with respect to Via's claims. The subject matter is technologies supporting on-demand public transit services. Evaluated economic considerations relating to RideCo's request for a permanent injunction, in addition to RideCo's economic damages. Prepared two expert reports and testified in deposition. (2023)
- ***NXP USA, Inc. and NXP B.V. v. Impinj, Inc.***  
*US District Court, Western District of Washington*  
Retained as an expert witness for Impinj to evaluate damages resulting from Impinj's alleged infringement of certain patents relating to RAIN RFID technology. Evaluated NXP's lost profits and reasonable royalty damages claim. Prepared expert report and testified in deposition. (2023)
- ***Traxcell Technologies, LLC v. Cellco Partnership d/b/a Verizon Wireless***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Verizon to evaluate Traxcell's damages associated with Verizon's alleged infringement of Traxcell's patented C-SON and navigation technologies. Prepared expert report and testified in deposition. (2022)
- ***Paltalk Holdings, Inc. v. Cisco Systems, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Cisco to evaluate Paltalk's damages associated with Cisco's alleged infringement of Paltalk's patented audio mixing and multiplexing technology in audio conferencing products and systems. Prepared expert report and testified in deposition. (2022)
- ***Jawbone Innovations, LLC v. Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Samsung to evaluate Jawbone's damages associated with Samsung's alleged infringement of Jawbone's patented noise suppression technology in smartphones and earbuds. Prepared expert report and testified in deposition. (2022)
- ***U.S. Well Services, Inc. v. Halliburton Energy Services, Inc. et al.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Halliburton to evaluate Halliburton's damages associated with USWS's alleged infringement of Halliburton's patents and evaluate USWS's claimed damages associated with Halliburton's alleged infringement of USWS's patents. Prepared two expert reports and testified in deposition. (2022)
- ***MasterObjects, Inc. v. Meta Platforms, Inc.***  
*US District Court, Northern District of California*  
Retained as an expert witness for Meta Platforms to evaluate MasterObjects' royalty damages associated with Meta's alleged infringement of MasterObjects' patents relating to Facebook's predictive search feature. Prepared expert report and testified in deposition. (2022)
- ***W.H. Hall Family Holdings, LLP. v. Stryker Corporation***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Stryker to evaluate Hall's royalty damages associated with alleged

infringement of Hall's patents relating to stents. Prepared expert report and testified in deposition. (2022)

- ***Dali Wireless, Inc. v. Corning Optical Communications LLC***  
*US District Court, Northern District of California*  
Retained as an expert witness for Corning to evaluate Dali Wireless's royalty damages associated with Corning's alleged infringement of Dali Wireless's patents relating to DAS systems. Prepared expert report and testified in deposition. (2022)
- ***CAO Lighting, Inc. v. Feit Electric Company***  
*US District Court, Central District of California*  
Retained as an expert witness for CAO Lighting to evaluate its royalty damages associated with Feit's infringement of CAO Lighting's patent relating to LED lighting sources. Prepared expert report and testified in deposition. (2022)
- ***Impinj, Inc. v. NXP USA, Inc.***  
*US District Court, Northern District of California*  
Retained as an expert witness for Impinj to evaluate damages resulting from NXP's alleged infringement of certain patents relating to RAIN RFID technology. Evaluated Impinj's lost profits and reasonable royalty damages. Prepared expert report and testified in deposition. (2022)
- ***Godo Kaisha IP Bridge 1 v. Nokia Corporation et al.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Nokia to evaluate IP Bridge's damages resulting from Nokia's alleged infringement of certain patents declared essential to 4G LTE and 5G wireless standards. Evaluated IP Bridge's reasonable royalty damages. Prepared expert report and testified in deposition. (2022)
- ***CAO Lighting, Inc. v. Osram Sylvania, Inc. and Ledvance LLC***  
*US District Court, Delaware*  
Retained as an expert witness for CAO Lighting to evaluate its royalty damages associated with Defendants' infringement of CAO Lighting's patent relating to LED lighting sources. Prepared two expert reports and testified in deposition. (2022)
- ***Conformis, Inc. v. Medacta USA, Inc. and Medacta International SA***  
*US District Court, Delaware*  
Retained as an expert witness for Conformis to evaluate Conformis's damages resulting from Medacta's infringement of its patents related to patient-specific instrumentation used in joint replacement procedures. Evaluated Conformis's reasonable royalty damages. Prepared two expert reports and testified in deposition. (2022)
- ***DoubleDay Acquisitions LLC d/b/a CSafe Global v. Envirotainer AB and Envirotainer Inc.***  
*US District Court, Northern District of Georgia*  
Retained as an expert witness for Envirotainer to evaluate preliminary injunction issues and commercial success relating to Envirotainer's alleged infringement of CSafe's patented VIP technology for use in active air cargo containers. Prepared expert declaration and testified in deposition. (2022)
- ***Jens H.S. Nygaard v. Federation Internationale de L'Automobile, Formula One Management Ltd., et al.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Formula One to evaluate Mr. Nygaard's damages resulting from Defendants' alleged infringement of its patent related to the Halo. Evaluated Mr. Nygaard's reasonable royalty damages. Prepared expert report and testified in deposition. (2022)

- ***Flexiworld Technologies, Inc. v. Roku Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Roku to evaluate Flexiworld's damages resulting from Roku's alleged infringement of its patents related to specific ways to screen mirror and cast content. Evaluated Flexiworld's reasonable royalty damages. Prepared expert report and testified in deposition. (2022)
- ***Philips North America LLC v. Fitbit LLC***  
*US District Court, District of Massachusetts*  
Retained as an expert witness for Fitbit to evaluate Philips' damages resulting from Fitbit's alleged infringement of its patent related to a specific method of obtaining physiologic data on a device, transmitting it to a server, performing a calculation, and displaying that calculation on a mobile app. Evaluated Philips' reasonable royalty damages. Prepared expert report and testified in deposition. (2021)
- ***Zachary E. Gerut, M.D. v. BioSpecifics Technologies Corp. and Endo International Plc***  
*American Arbitration Association*  
Retained as an expert witness for Dr. Gerut to evaluate his damages resulting from Defendants' breach of contract relating to a license agreement in which Dr. Gerut granted BioSpecifics a worldwide exclusive license to his know-how for the removal or treatment of fat in humans or animals. Evaluated Dr. Gerut's royalty and stock options-related damages. Prepared expert report. (2021)
- ***AGIS Software Development LLC v. Uber Technologies Inc.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Uber to evaluate AGIS's damages resulting from Uber's infringement of its patents related to rider and driver communications, rider and driver location sharing, and forced message alerts. Evaluated AGIS's reasonable royalty damages. Prepared expert report and testified in deposition. (2021)
- ***VideoShare, LLC v. Google LLC and YouTube, LLC***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Google and YouTube to evaluate VideoShare's damages resulting from the defendants' infringement of its patent related to a particular method of uploading, transcoding, and delivering a video file with an advertisement. Evaluated VideoShare's reasonable royalty damages. Prepared expert report and testified in deposition and trial. (2021)
- ***Jiaxing Super Lighting Electric Appliance Co., Ltd. and Obert, Inc. v. CH Lighting Technology Co.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Super Lighting to evaluate its lost profits and royalty damages associated with Defendants' infringement of Super Lighting's patents relating to LED tube lamps. Prepared two expert reports and testified in deposition and trial. (2021)
- ***Cellspin Soft, Inc. v. Fitbit LLC***  
*US District Court, Northern District of California*  
Retained as an expert witness for Fitbit to evaluate Cellspin's damages resulting from Fitbit's alleged infringement of its patents related to a specific method of wireless data transfer. Evaluated Cellspin's reasonable royalty damages. Prepared expert report. (2021)
- ***Barkan Wireless IP Holdings, L.P. v. T-Mobile US, Inc. and Nokia of America Corporation***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for T-Mobile and Nokia to evaluate Barkan's damages resulting from the

defendants' infringement of its patents related to femtocells. Evaluated Barkan's reasonable royalty damages. Prepared expert report. (2021)

- ***AlexSam, Inc. v. UMB Financial Corp. and UMB Bank, N.A.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for UMB Bank to evaluate AlexSam's damages resulting from the defendants' infringement of its patent related to multifunction card system. Evaluated UMB's reasonable royalty damages. Prepared expert report. (2021)
- ***Broadband iTV, Inc. v. AT&T Services, Inc. and AT&T Communications, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for AT&T to evaluate BBiTV's damages resulting from the defendants' infringement of its patent related to video-on-demand. Evaluated BBiTV's reasonable royalty damages. Prepared expert report. (2021)
- ***Conformis, Inc. v. Medacta USA, Inc. and Medacta International SA***  
*US District Court, Delaware*  
Retained as an expert witness for Conformis to evaluate its damages resulting from the defendants' infringement of its patented patient-specific instruments and associated implants. Evaluated Conformis' reasonable royalty damages. Prepared two expert reports. (2021)
- ***Via Vadis, LLC and AC Technologies, S.A. v. Amazon.com, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Amazon to evaluate Via Vadis's royalty damages associated with Amazon's alleged infringement of Via Vadis's patent relating to peer-to-peer file distribution technology. Prepared expert report and testified in deposition. (2021)
- ***Via Vadis, LLC and AC Technologies, S.A. v. Blizzard Entertainment, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Blizzard to evaluate Via Vadis's royalty damages associated with Blizzard's alleged infringement of Via Vadis's patent relating to peer-to-peer file distribution technology. Prepared two expert reports and testified in deposition. (2021)
- ***Profectus Technology LLC v. Google LLC***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Google to evaluate Profectus's royalty damages associated with Google's alleged infringement of Profectus's patent related to digital picture displays. Prepared expert report and testified in deposition. (2021)
- ***Unverferth Mfg. Co., Inc. v. Meridian Mfg., Inc.***  
*US District Court, Northern District of Iowa, Western Division*  
Retained as an expert witness for Unverferth to evaluate Unverferth's lost profits and royalty damages associated with Meridian's infringement of Unverferth's patents relating to its load/unload seed tenders. Also evaluated Meridian's counterclaims of infringement and associated royalty damages. Prepared three expert reports and testified in deposition. (2021)
- ***LSP Products Group, Inc. v. Oatey Co.***  
*US District Court, Northern District of Texas*  
Retained as an expert witness for Oatey to evaluate LSP's claimed lost profits and royalty damages associated with Oatey's alleged patent infringement of LSP's patent relating to water outlet boxes with

cross-linked polyethylene (PEX) connections. Prepared an expert report and testified in deposition. (2020)

- ***MV3 Partners LLC. v. Roku, Inc.***  
*US District Court, Western District of Texas*  
Retained as an expert witness for Roku to evaluate MV3's claimed royalty damages associated with Roku's alleged patent infringement of MV3's patent relating to screen mirroring and casting content from a mobile device to a TV. Prepared expert report and testified at deposition and at trial. (2020)
- ***Infernal Technology, LLC and Terminal Reality, Inc. v. Sony Interactive Entertainment America, LLC***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Sony to evaluate Plaintiffs' claimed royalty damages associated with Sony's alleged infringement of Plaintiffs' patents relating to improved methods for rendering lighting and shadowing for video games. Prepared expert report and testified at deposition. (2020)
- ***Girl Scouts of the United States of America v. Boy Scouts of America***  
*US District Court, Southern District of New York*  
Retained as an expert witness for the Girl Scouts of the USA (GSUSA) to evaluate GSUSA's economic damages, including disgorgement of the Boy Scouts of America's (BSA's) wrongful gains and GSUSA's corrective advertising expenses associated with BSA's alleged trademark infringement. Prepared two expert reports and testified in deposition. (2020)
- ***Leading Technology Composites, Inc. v. MV2, LLC***  
*US District Court, District of Maryland*  
Retained as an expert witness for MV2 to evaluate Leading Technology Composites' (LTC's) claimed lost profits and royalty damages associated with MV2's alleged infringement of LTC's patent relating to composite armor panels with ballistic properties. Prepared expert report and testified at deposition. (2020)
- ***Britax Child Safety, Inc. v. Nuna International B.V. and Nuna Baby Essentials, Inc.***  
*US District Court, Eastern District of Pennsylvania*  
Retained as an expert witness for Britax to evaluate its lost profits and royalty damages associated with Nuna's alleged infringement of patents covering its ClickTight installation system used in convertible car seats. Also performed an economic analysis in support of Britax's claim for a permanent injunction against Nuna. Prepared two expert reports and testified at deposition. (2020)
- ***North Star Technology et al. v. Latham Pool Products, Inc.***  
*US District Court, Eastern District of Tennessee*  
Retained as an expert witness for Latham Pools to evaluate North Star's claimed damages resulting from Latham Pool's alleged infringement of its pool design patent. Evaluated Latham Pool's profits associated with the article of manufacture available for disgorgement and reasonable royalty damages. Prepared expert report. (2020)
- ***Escort Inc v. Uniden America Corporation***  
*US District Court, Northern District of Texas*  
Retained as an expert witness for Uniden to evaluate Escort's claimed lost profits and royalty damages associated with Uniden's alleged infringement of a patent related to its "mute memory" feature in GPS-enabled radar detectors. Prepared expert report and testified at deposition. (2020)
- ***Trividia Health, Inc. v. Nipro Corporation***  
*International Court of Arbitration*  
Retained as an expert witness for Trividia to evaluate (a) Trividia's alleged economic harm resulting from

Nipro's alleged breach of contract and trademark misuse and (b) Nipro's disgorgement relating to its alleged trademark misuse. Prepared two expert reports and testified in arbitration. (2019)

- ***CXT Systems v. Academy Sports, et al.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Academy Sports and Fossil to evaluate CXT's claimed royalty damages relating to defendants' alleged infringement of CXT's patents relating to e-commerce functionality. Prepared an expert report. (2019)
- ***Freeny, et al. v. Fossil Group, Inc.***  
*US District Court, Eastern District of Texas*  
Retained as an expert witness for Fossil to evaluate the plaintiffs' claimed damages resulting from Fossil's alleged patent infringement relating to Fossil's smartwatches. Prepared an expert report. (2019)
- ***MGA Entertainment, Inc. and The Little Tikes Company v. Dynacraft BSC, Inc.***  
*US District Court, Central District of California*  
Retained as an expert witness for Dynacraft to evaluate economic causation with respect to the plaintiffs' claim that they had been damaged as a result of Dynacraft's alleged trade dress infringement, and Dynacraft's profits associated with sales of its accused products. Prepared an expert report. (2019)
- ***Amgen Inc. and Amgen USA Inc. v. Coherus BioSciences, et al.***  
*Superior Court of the State of California, County of Ventura*  
Retained as an expert witness for Amgen to provide expert testimony regarding Coherus's use of Amgen's alleged misappropriated trade secrets in Coherus's account targeting and pricing models over time. Testified at deposition. (2018)
- ***Unverferth Mfg. Co., Inc. v. J&M Mfg. Co., Inc.***  
*US District Court, Northern District of Ohio, Western Division*  
Retained as an expert for Unverferth to evaluate Unverferth's lost profits and royalty damages associated with J&M's infringement of Unverferth's patents relating to its load / unload seed tenders. Prepared expert report. (2017)
- ***iLife Technologies, Inc. v. Nintendo of America, Inc.***  
*US District Court, Northern District of Texas, Dallas Division*  
Retained as an expert witness for Nintendo to evaluate iLife's claimed royalty damages resulting from Nintendo's alleged infringement of a patent related to motion detection and evaluation. Prepared an expert report and testified at both deposition and trial. (2017)
- ***Saint Lawrence Communications v. Motorola Mobility LLC***  
*US District Court, Eastern District of Texas, Marshall Division*  
Retained as an expert witness for Motorola Mobility to evaluate Saint Lawrence's claimed royalty damages resulting from Motorola Mobility's alleged infringement of four patents related to the AMR- WB standard. Evaluated a FRAND royalty rate for the patents-in-suit. Prepared two expert reports and testified at both deposition and trial. (2017)
- ***Script Security Solutions v. Protection One Alarm Monitoring, et al.***  
*US District Court, Eastern District of Texas, Marshall Division*  
Retained as an expert witness for Protection One to evaluate Script's claimed royalty damages resulting from Protection One's alleged infringement of three patents relating to interactivity in wireless alarm systems. Prepared three expert reports. (2016)

- ***Easton Baseball/Softball Inc. v. Wilson Sporting Goods Co.***  
*US District Court, Central District of California*  
Retained as an expert witness for Easton to evaluate damages resulting from Wilson's infringement of its patented baseball bat technology. Evaluated Easton's lost profits and reasonable royalty damages. Prepared two expert reports and testified at deposition. (2016)
- ***KelDar, Inc. v. Mayborn USA, Inc., et al.***  
*US District Court, Eastern District of Texas, Marshall Division*  
Retained as an expert witness for Mayborn to evaluate the plaintiff's damages resulting from its alleged trade secret misappropriation and breach of contract relating to its Tommee Tippee Perfect Prep baby formula preparation machine. Evaluated KelDar's reasonable royalty damages and unjust enrichment damages. Prepared expert report and testified at deposition. (2016).
- ***Biomedical Enterprises, Inc. v. Solana Surgical, LLC and Wright Medical Group, Inc.***  
*US District Court, Western District of Texas, Austin Division*  
Retained as an expert witness for Biomedical Enterprises (BME) to evaluate its damages resulting from the defendants' infringement of its patented nitinol implant technology. Evaluated BME's lost profits and reasonable royalty damages. Prepared two expert reports and provided deposition testimony. (2016)
- ***Verisign, Inc. v. XYZ.com, LLC and Daniel Negari***  
*US District Court, Eastern District of Virginia, Alexandria Division*  
Retained as an expert witness for Verisign to evaluate the plaintiff's damages resulting from the defendants' alleged false and misleading advertising relating to the .xyz registry. Evaluated Verisign's disgorgement damages, lost profits damages, and corrective advertising-related damages. Prepared two expert reports and provided deposition testimony. (2015)
- ***E2E Processing, Inc. v. Cabela's Inc.***  
*US District Court, Eastern District of Texas, Marshall Division*  
Retained as an expert witness for Cabela's to evaluate the plaintiff's claimed royalty damages resulting from Cabela's alleged infringement of the plaintiff's patent related to a particular method of transaction processing using XML. Prepared an expert report and testified at deposition. (2015)
- ***Katrinez, et al. v. Motorola Mobility LLC***  
*US District Court, Western District of Texas, Austin Division*  
Retained as an expert witness for Motorola Mobility to evaluate the plaintiffs' claimed royalty damages resulting from Motorola's alleged infringement of the plaintiffs' patent related to a particular method of backlighting a keypad. Prepared an expert report and testified at deposition. (2014)
- ***Profectus Technology LLC v. Motorola Mobility LLC***  
*US District Court, Eastern District of Texas, Tyler Division*  
Retained as an expert witness for Motorola Mobility to evaluate Profectus's claimed royalty damages resulting from Motorola's alleged infringement of Profectus' patent related to digital displays on mobile devices. Prepared two expert reports. (2014)
- ***Bern Unlimited, Inc. v. Easton-Bell Sports, Inc., The Burton Corporation, Smith Sport Optics, Inc., Amer Sports Winter & Outdoor Co., Vans, Inc., Dye Precision, Inc., and K-2 Corporation***  
*US District Court, District of Massachusetts*  
Retained as an expert witness for Easton-Bell, Smith Sport Optics, and K2 to evaluate their false marking and false advertising counterclaim against Bern. Analysis included evaluation of the defendants' disgorgement damages. Also retained as an expert witness for Easton-Bell to evaluate Bern's claimed

disgorgement damages related to Easton-Bell's alleged trade dress infringement. Prepared two expert reports. (2014)

- ***Monec Holding AG v. Motorola Mobility, Inc., Samsung, HTC, et al.***  
*US District Court, District of Delaware*  
Retained as an expert witness for Motorola to evaluate Monec's claimed royalty damages related to Motorola's alleged infringement of Monec's patent. Prepared an expert report. (2014)
- ***Effingo Wireless Inc. v. Motorola Mobility LLC***  
*US District Court, Western District of Texas, San Antonio Division*  
Retained as an expert witness to evaluate Effingo's damages claim resulting from Motorola Mobility's alleged infringement of Effingo's Bluetooth headset technology patent. Prepared an expert report and testified at deposition and trial. Opinions included a *Georgia-Pacific* analysis and a rebuttal of the plaintiff's expert's claimed damages opinions. Testified that Effingo's claimed reasonable royalty damages were overstated, based in part on an assessment of Motorola's costs to implement a non-infringing alternative headset design. (2013)
- ***DFW Construction v. GJD Enterprises, et al.***  
Expert witness in a business failure dispute. Submitted expert disclosure statement identifying numerous factors that contributed to the failure of The Daily Grind, a coffee shop, including general economic and business-related factors. Conducted benchmark comparisons to similarly situated businesses and demonstrated the unreliability of counter-plaintiffs' business projections. (2010)

## SELECTED CONSULTING EXPERIENCE

### Intellectual Property: Patent Infringement, Trademark, and Trade Secret Theft Cases

- Assisted in the evaluation of whether the plaintiff's licensing offers related to 3G and 4G/LTE wireless technology constituted FRAND licensing offers. Analyzed the economic benefits associated with patents, the economic benefits associated with standard-setting organizations, and the economic evidence related to the FRAND principles. Concluded that none of the plaintiff's licensing offers comported with FRAND principles.
- Assisted in the evaluation of the claimed damages of a medical device manufacturer who brought suit against a competing medical device manufacturer alleging patent infringement related to vascular closure devices. Analysis included an assessment of the plaintiff's sales of vascular closure devices in the absence of the infringement and an incremental revenue and cost analysis. Assisted in the determination of reasonable royalty damages based upon the *Georgia-Pacific* factors and a determination of important negotiating points in a hypothetical licensor/licensee negotiation.
- Assisted in the evaluation of the claimed damages of a foam ear sleeve manufacturer who brought suit against a high-performance professional and personal audio earphone manufacturer, alleging patent infringement related to ear pieces having disposable compressible polymeric foam sleeves. Assisted in the evaluation of the plaintiff's claimed royalty damages using market and industry data, a *Georgia-Pacific* factor analysis, and the changing licensing policies of the patent holder over time. Calculated an alternative royalty damages figure. Also assisted in the evaluation of the defendant's counterclaims of alleged patent misuse and antitrust violations. Analysis included a review of the patent holder's licensing strategy and certain provisions contained in the licenses into which the patent holder entered.
- Assisted in the evaluation of the plaintiff's claimed reasonable royalty damages in a patent infringement

matter involving five defendants. The alleged infringing technology related to congestion management in ATM networks. Analyses included an assessment of sales of ATM network products allegedly containing the patented feature; an analysis of the price of the integrated circuits embodying the accused functionality relative to the price of the entire ATM product; and a review of industry license agreements. Assisted in the determination of reasonable royalty damages based on the *Georgia-Pacific* factors, in addition to a determination of important negotiating points in a hypothetical licensor/licensee negotiation.

- Assisted in the evaluation of reasonable royalty and lost profits damages in a patent infringement matter related to wave division multiplexing in optical networking equipment. Analysis included an assessment of alleged infringing sales under multiple potential damages scenarios. Lost profits analysis included a market share approach to calculating lost sales, and an incremental cost and revenue analysis. Evaluated both the plaintiff's claimed damages and the defendant's counterclaimed damages.
- Assisted in the critique of the plaintiff's claimed reasonable royalty damages in a patent infringement matter relating to implantable rate-responsive pacemakers and implantable cardioverter defibrillator devices (ICDs). Analysis included an assessment of alleged infringing sales of pacemakers and ICDs, review of the many license agreements entered into by the defendant, and an analysis of the defendant's cost savings associated with the allegedly infringing technology as compared to its next-best alternative. Assisted in the determination of reasonable royalty damages based on the *Georgia-Pacific* factors and a determination of important negotiating points in a hypothetical licensor/licensee negotiation.
- Assisted in the evaluation of the plaintiff's lost profits and reasonable royalty damages in a patent infringement matter relating to DVR technology. Analysis included an assessment of the plaintiff's sales of DVR products and subscriptions in the absence of the infringement and an incremental revenue and cost analysis. Assisted in the determination of reasonable royalty damages based on the *Georgia-Pacific* factors and a determination of important negotiating points in a hypothetical licensor/licensee negotiation. Also assisted in the determination of a post-verdict royalty rate based on the evidence and arguments found material to the granting of an injunction and the change in the parties' bargaining positions. Finally, assisted in the evaluation of the plaintiff's damages resulting from the defendant being in contempt of the court-mandated injunction.
- Assisted in the evaluation of the plaintiff's reasonable royalty damages in a patent infringement matter relating to RFID tags and scanners for companion-animal applications. Analysis included an assessment of infringing sales of RFID tags and scanners, review of license agreements produced by the parties, and market research on the companion-animal applications of RFID tags and scanners. Assisted in the determination of a reasonable royalty rate based on a *Georgia-Pacific* factor analysis. Calculated the claimed royalty damages under various scenarios, based on potential court findings in terms of patents infringed.
- Assisted in the critique of the plaintiff's damages model in a trade secret theft case in the golf equipment industry. The plaintiff claimed disgorgement of global profits and other unjust enrichment due to the alleged misappropriation of trade secrets through the defendant's sale of the company and assets to a large sporting goods company. Analysis included calculating net profits from the sale of the accused golf clubs, calculating reasonable royalty damages, and evaluating the sale of the defendant's company and assets as an appropriate measure of damages.
- Assisted in the evaluation of the plaintiff's lost profits and reasonable royalty damages in a patent infringement matter related to coalbed methane (CBM) gas drilling. Analysis included an assessment of the plaintiff's CBM gas sales in the absence of the infringement, and the plaintiff's expected profitability of its dual-well systems in the Appalachia region. Specifically, developed economic models of CBM gas

extraction from dual-well systems in order to estimate CBM gas sales and profitability associated with dual-well systems.

- Assisted in the evaluation of claimed damages in a patent infringement matter related to course management system products and services using the internet to facilitate the interaction of students and instructors. Analyses included a *Panduit* and a *Georgia-Pacific* factor analysis, and calculation of lost profits and reasonable royalty damages. Analyses of the plaintiff's lost profits included an analysis of the plaintiff's business model and customer relationships, the defendant's infringing sales based on customer licensing agreements and contracts, and the plaintiff's incremental profitability associated with lost long-term customer contracts.
- Assisted in the evaluation of damages in a design patent infringement matter related to a restaurant chain's distribution of antenna balls wearing NFL-marked helmets. Analyses included an analysis of disgorgement-related damages and reasonable royalty damages, including calculation of increased sales, if any, related to the distribution of the accused antenna balls and costs associated with the antenna ball program.

### **False Advertising Cases**

- Assisted in the evaluation of damages in a case involving thermal imaging products and an allegedly false and misleading marketing video. Assisted the plaintiff in its claim for disgorgement and lost profits damages. Also evaluated counterclaim involving alleged false advertising and alleged trademark infringement by the plaintiff. Evaluated the defendant's claimed damages arising from these allegations.
- Assisted in the critique of the plaintiff's claimed damages in a false advertising matter involving tooth-whitening products. A large consumer product company filed suit against the defendant for allegedly making misleading and disparaging statements about the plaintiff's tooth-whitening products in comparative advertisements shown on television. The plaintiff sought to recover damages from reduced sales resulting from the alleged false advertising. Analyses included evaluation and critique of plaintiff's expert's claimed damages model, including analysis of Nielsen scanner data and CyberMedia Research (CMR) media data. Analysis demonstrated that the plaintiff's expert did not measure the impact of the alleged misleading content, failed to account for alternative reasons for the plaintiff's sales declines, and implemented an incorrectly specified econometric model.
- Assisted in the critique of the plaintiff's claimed damages in a false advertising matter involving scouting cameras. The plaintiff sought to recover disgorgement damages, the defendant's advertising expenses, and the plaintiff's claimed corrective advertising expenditures. Analysis included adjustments to the plaintiff's disgorgement damages claim, based on an evaluation of the defendant's false advertising claims in print, television, and online advertising; an assessment of the plaintiff's claimed corrective advertising; and an analysis of the defendant's advertising expenses related to the accused advertising.

### **Securities and Finance-Related Cases**

- Assisted in the evaluation of the plaintiff's claimed damages resulting from lost enterprise value due to the defendants' alleged fraudulent conduct resulting in artificial acceleration of income. Analyses included an assessment of alternative reasons for the plaintiff's business decline and ultimate bankruptcy, and an evaluation of the plaintiff's multiple approaches used in the determination of lost enterprise value.
- Assisted in conducting an "event study" on behalf of a technology company under investigation by the Securities and Exchange Commission (SEC) to determine if the company's alleged improper revenue recognition policies led to unjust enrichment related to a merger. Analyses included the development of an

appropriate peer group and isolation of economy-wide, industry-specific, and company-specific factors impacting the particular firm's stock price.

- Assisted in the evaluation of the plaintiff's claimed damages relating to claimed "benefit of the bargain." Analyses included a company- and industry-specific risk factor analysis, an analysis of a competitor's stock prices, and a critique of the plaintiff's expert's discounted cash-flow damages model.
- Assisted in the evaluation of the plaintiff's claimed damages in a Rule 10b-5 dispute involving allegations that the defendant's public announcements that a joint venture into which it had entered was nonrecourse were false and misleading. Provided preliminary plaintiff-style damages estimates and settlement analyses based on various curative disclosure dates.
- Assisted in the evaluation of the plaintiff's claimed damages related to an alleged failure of the defendant to conduct appropriate due diligence with respect to specific hedge fund investments, and improper recommendation of investments in hedge funds with unsuitable risk profiles. Analyses included an assessment of the defendant's initial and ongoing due diligence with respect to specific hedge fund investments, and the communication of specific risks to the plaintiff investor.
- Assisted in the evaluation of a community bank's (plaintiff's) claims related to specific mortgage-backed securities (MBS) and asset-backed securities (ABS) investments recommended by the defendant for the bank's investment portfolio. Analysis included assessment of the appropriateness of the defendant's due diligence performed with respect to these investments and the communication of specific risks, including credit risk, to the plaintiff bank. Analysis also included evaluation of the bank's role in selecting MBS and ABS investments for its investment portfolio, and the impact of the global financial crisis on portfolio performance. Damages analysis included a benchmarking study showing that similarly situated MBS and ABS indices fared no better than the recommended portfolio during the global financial crisis.

### **Antitrust Matters**

- Assisted in the evaluation of the plaintiff's economic liability arguments in an antitrust claim related to restriction on the registration of cloned American Quarter Horses, including an evaluation of the plaintiff's theoretical economic model, and the effect, if any, on the supply and prices of high-quality American Quarter Horses. Also assisted in the evaluation of the plaintiff's damages claim related to claimed lost sales of cloned American Quarter Horses and associated breeding opportunities.
- Performed Appendix A analyses to address potential horizontal market power concerns resulting from mergers in the electricity industry. Analyses involved defining the relevant geographic and product markets, identifying competitors in the relevant markets, and analyzing market power and competition over time by calculating the Herfindahl-Hirschman Index (HHI) and other market concentration statistics. Work also included developing a transmission model reflecting system limits into defined destination markets.
- Estimated competitive benchmark prices for the California wholesale power market using the Henwood electricity production cost simulation model, and analyzed alleged capacity withholding by merchant generators.
- Estimated the impact of market power in the ancillary services markets in California using regression analysis. Developed techniques for identifying anticompetitive behavior in these markets.
- Assisted in the examination of the operating efficiency and competitiveness of the electricity market in England and Wales. Analyzed the bidding behavior of generating assets to quantify the effects of anticompetitive behavior on electricity prices.

- Investigated allegations of price-fixing in the wholesale gasoline and fuel oil markets.

### **Regulatory Matters**

- Assisted in conducting an industry survey of maintenance activities for coal-fired generating units. Used statistical modeling to analyze census data in order to determine factors that drive maintenance industry-wide, in response to allegations by the Environmental Protection Agency (EPA) of Clean Air Act violations.
- Estimated “stranded costs” from deregulation for a major utility, based on projections of long-run equilibrium prices.
- Contributed to drafting a briefing paper on the restructuring and design of competitive markets in Mexico and Thailand. Focused on the issues surrounding wholesale electricity market design and a comparative analysis of the methods implemented by various international governments in handling these issues.
- Assisted in conducting a statistical benchmarking study to compare costs and efficiencies of a major utility’s generating assets in preparation for divestiture. Worked closely with senior management to understand company operations and competitive position to solve strategic, operational, and general management issues.
- Investigated the economic rationale underlying the rights-of-way provisions in the 1996 Telecommunications Act as it related to the city of Berkeley’s demand for significant revenue-related fees from Qwest Communications in return for access to public rights of way for telecommunications construction.

### **Other Engagements**

- Assisted in critique of the plaintiff’s assessment of the value of the plaintiff’s equity shares in a private e-marketing company, including claimed losses associated with the plaintiff’s lost “benefit of the bargain.” Analyses included evaluation of the plaintiff’s discounted cash flow model and assumptions, evaluation of alternative market factors impacting the value of the business, and application of discounts for minority interest and lack of control.
- Assisted in evaluation of the plaintiffs’ damages claims on behalf of 88 decedents of an airplane crash. The plaintiffs filed suits seeking damages in state and federal courts against the airline and certain parts manufacturers. Analysis included evaluating lost earnings, lost non-salary benefits, lost retirement funds, and lost savings. In at least one case, analysis included evaluation of claimed lost business value by plaintiffs’ expert.
- Assisted in evaluation of the plaintiff’s claimed damages resulting from a breach of contract relating to dicamba-tolerant trait technology. Analyses included valuation of the technology at issue using economic modeling under various assumptions relating to penetration rates, international market entry, and technology royalty rates, *inter alia*.
- Assisted in critique of the plaintiff’s evaluation of damages in a professional negligence matter regarding the lost sales associated with the plaintiff’s cattle ranch operation. Reviewed opposing expert’s damages calculation and assisted in sensitivity analyses regarding assumptions in the plaintiff’s damages evaluations.