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Ms. Kindler is an economist with extensive experience in a variety of engagements, including intellectual property (IP) disputes, contract disputes, litigation matters related to securities and finance, false advertising allegations, and antitrust matters. She has testified numerous times in deposition, trial, and arbitration and assisted in all phases of the litigation process, including discovery, expert reports, deposition, and trial preparation. With respect to IP disputes, Ms. Kindler has evaluated damages in the context of allegations of patent infringement, trade secret misappropriation, trade dress infringement, and copyright infringement. In patent infringement matters, she has analyzed claimed lost sales, claimed lost profits, and reasonable royalty damages. Ms. Kindler also has evaluated disgorgement and actual harm in the context of numerous IP disputes. Ms. Kindler has been involved in numerous licensing negotiations related to a wide range of technologies and products, including but not limited to standard essential technology, software, smartphone and wireless technologies, dental implants, and oil and gas. 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

- ***LKQ Corporation, and Keystone Automotive Industries, Inc. v. Kia America, Inc., and Kia Corporation.***

US District Court, Northern District of Illinois

Retained as an expert witness for Kia to evaluate LKQ's damages resulting from Kia's alleged infringement of certain LKQ design patents by certain head lamps, rear lamps, and rear combination lamps for Kia vehicles or automobiles. Testified in deposition. (2024)

- ***PureWick Corporation v. Sage Products, LLC***
US District Court, Delaware
Retained as an expert witness for PureWick to evaluate damages resulting from Sage’s alleged infringement of the Patents-in-Suit relating to the PrimaFit 2.0 external urine management system for females. Testified in deposition. (2024)
- ***IOENGINE, LLC v. Roku, Inc.***
US District Court, Western District of Texas
Retained as an expert witness for Roku to evaluate damages resulting from its alleged infringement of certain patents relating to Roku’s streaming players. Testified twice in deposition. (2024)
- ***NextGen Innovations, LLC v. AT&T Services, Inc. and AT&T Corp.***
US District Court, Eastern District of Texas
Retained as an expert witness for AT&T to evaluate NextGen’s damages resulting from AT&T’s alleged infringement of NextGen’s patents by certain optical network components within its fiber optic network. Testified in deposition. (2024)
- ***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. Testified in deposition and trial. (2023)
- ***Lindt & Sprüngli (North America) Inc., et al, v. GXO Warehouse Company, Inc.***
US District Court, Western District of Missouri
Retained as an expert witness for GXO to evaluate Lindt’s claimed damages associated with GXO’s alleged failure to properly operate a warehouse in Tracy, California, alleging breach of contract, negligence, and fraud. Testified in deposition. (2023)
- ***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. Testified in two depositions. (2023)
- ***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. Testified in deposition and trial. (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. Testified in deposition and trial. (2023)

- ***VLSI Technology LLC v. Intel Corporation***
US District Court, Northern District of California
Retained as an expert witness for Intel to evaluate damages resulting from its alleged infringement of certain patents relating to microprocessor products. Testified in deposition. (2023)
- ***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. Testified in deposition and trial. (2023)
- ***CloudofChange, LLC v. Lightspeed POS, Inc.***
US District Court, Western District of Texas
Retained as an expert witness for Lightspeed to evaluate damages resulting from its alleged infringement of certain patents relating to point of sale (POS) systems. 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. Testified in deposition and trial. (2023)
- ***Uthervers Gaming LLC v. Epic Games, Inc.***
US District Court, Western District of Washington
Retained as an expert witness for Epic to evaluate damages resulting from its alleged infringement of Uthervers Gaming patents relating to hosting virtual events on the online video game Fortnite. Testified in deposition. (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. Testified in two depositions. (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. Testified two times 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. Testified in deposition. (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. Testified in deposition. (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. Testified in deposition. (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. Testified in deposition. (2023)
- ***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. Testified in deposition and trial. (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. 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. Testified in deposition. (2023)
- ***Wolfsped, 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. 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. 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. 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. 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. Testified in deposition and trial. (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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. 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. Testified in deposition. (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. 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. 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. Testified in deposition and trial. (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. 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. 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. Testified in deposition and at trial. (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. 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. 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. 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. 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. 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. 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. Testified at deposition. (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. 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. Testified in arbitration. (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)

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.