

## PROFILE

Brian Buss is a founding principal of Nevium Intellectual Property Solutions. A Chartered Financial Analyst (CFA) with 25 years of experience in valuations, financial analysis and corporate finance around the world. Mr. Buss provides strategic advice for owners of intellectual property portfolios, transaction support and due diligence for acquisitions, licensing, divestiture and partnership transactions, guidance in determining economic damages and profit apportionment in civil litigation, and valuations of trademarks, patents, copyrights, brand assets, trade secrets, technology assets, and intangibles.

Examples of recent engagements led by Mr. Buss include:

- Advised a not-for-profit industry association regarding optimal product pricing, licensing best practices, licensing due diligence and revenue model strategies;
- Provided expert testimony in Federal Court, State Court, US Tax Court and in arbitration proceedings regarding economic damages, IP valuation, business valuation and the impact of defamation and disparagement;
- Expert opinions and deposition testimony regarding economic damages and profit apportionment in cases involving copyright infringement, patent infringement, Lanham Act claims, business interruption, breach of contract and trade secret misappropriation;
- Valuation of brands and trademarks for a consumer products company considering a name change;
- Valuation of wireless communications technologies and product brands used in healthcare and pharmaceuticals markets to assist existing investors with exit strategies;
- Valuation of copyright, trademark and technology IP for bankruptcy litigation and restructuring transactions; and
- Evaluation and transaction due diligence for a Spanish-language rock band considering an apparel license opportunity.

During his career Mr. Buss has provided valuation opinions and transaction advisory services for clients across the United States and overseas, including projects in South Korea, New Zealand, Japan, Thailand, Sweden and Australia. Mr. Buss has provided advisory services and financial analyses for acquisitions, corporate lending, start-up financing, business valuations, intellectual property infringement and economic damages claims.

## EXPERT WITNESS & TESTIMONY EXPERIENCE

Mission Healthcare Services, Inc. v. Bridge Home Health & Hospice, et al.; Deposition testimony regarding economic damages due to **trade secret misappropriation, unfair competition, breach of contract and defamation**; Case 37-2016-00044574-CU-BT-CTL; Superior Court of California; 2018

Netflix, Inc. v. Commissioner of Revenue; Expert consulting regarding **intellectual property and intangible asset valuation**; Docket # 329923; Commonwealth of Massachusetts Appellate Tax Board; 2018

Eagle Rock Resort Co. vs. Janet A Carlin, et al.; Expert Report regarding impact of **disparaging and defamatory statements** and economic damages at a resort property development; Case 2013-CV-13756; Court of Common Pleas of Luzerne County, Pennsylvania; 2018

Rentokil North America, Inc. v. John K Whitley as the Stockholders Representative, et al.; Expert Report and Rebuttal Report regarding economic damages in **indemnification** claims pursuant to a stock purchase agreement in the pest control and business services industries, Case 01-16-0004-3260; American Arbitration Association; 2018

Grumpy Cat Limited v. Grumpy Beverage LLC et al.; Testimony in Federal Court and Expert Report regarding economic damages due to **copyright infringement, trademark infringement and breach of contract** in the beverages industry; Case 8:15-cv-02063-DOC-DFM; Central District of California; 2017

Anthony California, Inc. v. Fire Power Co. Ltd.; New Bright Jet Lighting Co. Ltd. et al.; Testimony in Federal Court and Expert Report regarding economic damages due to **copyright infringement and trade secret misappropriation** in the home furnishings industry; Case 5:15-cv-00876-JGB-SP; Central District of California; 2017

Aardwolf Industries, LLC v. Abaco Machines USA, Inc. Ausavina Co. LTD, et. al., Expert Report and Deposition Testimony regarding economic damages due to **trademark and copyright infringement** in the construction tools industry; Case 2:16-cv-01968-GW-JEM; Central District of California; 2017

Rosebank Road Medical Services Ltd., and Geeta Murali Ganesh v. Ramji Govindarajan; Testimony in California State Court, Deposition Testimony and Expert Report regarding impact of **defamatory statements**; Case CGC-16-549755; Superior Court of California; 2017

Intellicheck Mobilisa, Inc. v. Wizz Systems LLC; Expert Report and Deposition Testimony regarding economic damages in a **utility patent** infringement claim in the security software development industry; Case 2:15-cv-00366-JLR; Western District of Washington; 2017

Boiling Point Group, Inc. v. Fong Ware Co. Ltd., et al.; Expert Report regarding economic damages in a **design patent** infringement claim in the restaurant industry; Case 2:16-cv-01672-RGK-JEM; Central District of California; 2017

Gold Value International Textile, Inc. v. Sanctuary Clothing LLC, Amazon.com, Bloomingdale's, Inc., Dillard's Inc., Macy's, Inc., Nordstrom, Inc., and Zappos IP, Inc.; Expert Report regarding economic damages and profit apportionment in **copyright** infringement claim; Case 2:16-cv-00339-JAK-FFM; Central District of California; 2017

Blue Gentian LLC and National Express, Inc. v. Tristar Products, Inc. and Wal-Mart Stores, Inc.; Expert Rebuttal Report and Deposition Testimony regarding economic damages in patent infringement claim (**utility and design patents**); Civil Action No. 13-cv-1758 (D.N.J.); District of New Jersey; 2017

EDI International, P.C. v. Crestwood Station Plaza LLC, et. Al.; Expert Report regarding Economic Damages in **copyright infringement** claim involving architectural design plans; Case No. 15-cv-07281-KBF,USDC, Southern District of New York; 2016

James Ellis as Stockholders Agent for Gablit Holdings, Inc., v. Events.com, Inc.; Testimony in Arbitration proceedings and Expert Report regarding **M&A due diligence, unpaid compensation and economic damages**; Case No. 01-15-0004-5736, American Arbitration Association; 2016

Massachusetts Department of Revenue – Litigation Bureau v. Anheuser-Busch INBEV Worldwide, Inc.; Expert consulting regarding **transfer pricing and reasonable compensation** for inter-company financing; 2016

Solar Sun Rings, Inc., v. Secard Pools et al.; Deposition Testimony and Expert Report regarding **economic damages in a Lanham Act Claim**; Case No. 5:14-cv-02417, USDC, Central District of California; 2015

Markwins Beauty Supply, Inc. v. Krystal Ball Productions, Inc., et al.; Expert Report regarding **business valuation** of Markwins Beauty Supply, Inc.; 2015

Yucaipa Corporate Initiatives Fund vs. Hawaiian Airlines; Expert Consulting regarding **value of Airline brands and trademarks** and **use of trademarks in Internet Search and e-commerce**; Case No. CV13-09060, USDC, Central District of California; 2015

Block Developers, LLC et al. v. Commissioner of Internal Revenue; Expert Report and Testimony for US Tax Court regarding **reasonable royalty rate** for use of patents by potential franchisees and **valuation of construction materials patents**; Docket No. 3198-10; 2014

Azco Biotech, Inc. v. Intelligent Bio-Systems, Inc.; Expert Report and Deposition Testimony regarding value of molecular diagnostics **patents and early-stage businesses**; Case No. 12CV2599 BEN DHB, USDC, Southern District of California; 2014

G-Unit Brands, Inc. against Sleek Audio, Inc.; Arbitration Testimony, Deposition and Expert Report regarding value of **celebrity promotional and marketing activities and right of publicity**; JAMS Ref. No 1425010166; 2014

Amini Innovation Corporation vs. McFerran Home Furnishings, Inc., Expert Report regarding economic contribution of **trade dress and copyright** in the furniture industry; Case No. CV13-06496-RSWL(SSx), USDC, Central District of California; 2014

Star Fabrics v. Joyce Leslie, Inc. et al., Expert Report regarding economic impact of fabric design **copyright infringement** and incremental profits achieved by defendants; United States District Court, Central District of California; 2014

Cengage Learning, Inc., et al.; United States Bankruptcy Court Eastern District of New York; Expert Opinion and Rebuttal Opinion regarding valuation of higher education textbook **copyrights** on behalf of the Second Lien Indenture Trustee in Chapter 11 bankruptcy; 2013-2014

United Fabrics International v. G-III Apparel Group, Ltd; and McKlein Company, LLC; Export Report regarding economic impact of fabric design copyrights and defendants' profits due to **copyright infringement**; United States District Court, Central District of California; 2013

David Wolfe v. Sunfood LLC, et al.; Deposition Testimony regarding lost profit damages as a result of **brand defamation**; Superior Court of the State of California for the County of San Diego; 2013

Rawlings Sporting Goods Company, Inc., v. Wilson Sporting Goods; Expert Opinion regarding economic impact of **trademark infringement**; United States District Court Eastern District of Missouri; 2013

Dahon North America, Inc. vs. Mobility Holdings Ltd, Mobility Holdings Ltd (Taiwan Branch), Stile Products, Inc., Dahon & Hon Industrial Labs, Ltd., et al.; Expert Rebuttal Opinion regarding **copyright and patent infringement** damages; United States District Court, Central District of California; 2013

Syngenta Seeds, Inc. v. Bunge North America, Inc.; Deposition Testimony and Expert Report regarding lost profit damages resulting from **brand disparagement**; United States District Court Northern District of Iowa Western Division; 2012

VolumeCocomo Apparel, Inc. v. Guess?, Inc.; Dillard's, Inc., Bloomingdale's, Inc. and Macy's, Inc.; Deposition Testimony and Expert Report regarding value of design **copyrights** and unjust enrichment damages from unauthorized use of copyright; 2012

David Dick, et al. v. First Citizens Bank and Trust Company, Inc., et al.; Deposition Testimony and Expert Report regarding valuation of construction equipment **patents** in bankruptcy; 2012

United Fabrics International, Inc. v. Pat Rego, Inc., Lane Bryant, Inc., et al.; Expert Report regarding value of design **copyrights** and contribution to additional profits achieved by garment retailers; 2011

L.A. Printex Industries, Inc. v. Macy's Retail Holdings, Inc., et al.; Expert Report regarding value of design **copyrights** and additional profits achieved by garment retailers; 2011

Lilyan Hassaine and Salim Salahi v. Home Depot, U.S.A., Inc. et al.; Expert Report regarding **personal injury** claims; 2010

Benjamin Gurfinkel v. Mike Riley, et al.; Deposition Testimony regarding dispute over amount of **angel-level funding** received by a technology start-up; 2009

#### EDUCATION & CERTIFICATION

San Diego State University; MBA, Executive Program, 2011

Claremont McKenna College; Bachelor of Arts, Biology & Economics; 1993

Chartered Financial Analyst (CFA); 1997

Certified Patent Valuation Analyst (CPVA); 2017

#### EMPLOYMENT EXPERIENCE

**Neium Intellectual Property Solutions**; San Diego CA, 2012 – present

Founding Principal: provide IP valuation, analysis and strategic management services

**CONSOR Intellectual Asset Management**; San Diego CA, 2011 - 2012

Director: supervised all client engagements for IP valuation and litigation services firm

**Brodshatzer, Wallace, Spoon & Yip LLP**; San Diego CA; 2007 - 2010

Director: expert witness, litigation services, forensic accounting and business valuation

**Tech M3, Inc.**; San Diego CA; 2006 - 2007

Co-founder and financial officer for a technology start-up

**Westpac Institutional Bank**; Auckland New Zealand; 2003 – 2005

Commercial and Investment Banking

**Deloitte & Touche**; Auckland New Zealand and San Francisco CA; 1998 – 2003

Business valuation, purchase price allocation analysis and strategic consulting

**Princeton Venture Research**; San Diego CA; 1993 – 1997

Shareholder class-action litigation and business valuation consulting

#### PUBLICATIONS & PRESENTATIONS

Chapter titled "Profit Apportionment in Intellectual Property Infringement Damages Calculations" published in The Comprehensive Guide to Economic Damages, 5<sup>th</sup> Edition published by Business Valuation Resources (BVR), 2018

"Apportionment Models: Valuing the Contribution of Intangible Property and Assets in Disputes" Webinar hosted by Business Valuation Resources, October 2018

Profit Apportionment – Determining the Contribution of Intellectual Properties in Valuations and Damages Calculations" presentation at NACVA Annual Consultants Conference, Las Vegas, June 2018

"Brand Contribution" Moderated a panel presentation and discussion on building, leveraging and valuing brand assets for Licensing Executives Society International (LES) 2018 Annual Conference in San Diego, May 2018

"Brand Valuation – Valuing brands that aren't exchanged" Presentation to Provisors' Brand Licensing and Intellectual Property Affinity Group, Los Angeles, April 2018

"The Economics of Patent Litigation & Damages" Presentation at the IIPLA Annual Meeting in Silicon Valley, October 2017

“Calculating Financial Damages and Valuations in U.S. Litigation: A 2017 Outlook” Panellist in a Webinar produced by The Knowledge Group, July 2017

“Non-Traditional Marks and the Traditional Practice” Luncheon Table Topic for the International Trademark Association (INTA), San Diego, CA, February 2017

“Brand Valuations: Identifying Opportunities and Challenges” published in *The Value Examiner*, Special Issue, September/October 2016

“Misuses of IP Over the Internet: Searching for Value” webinar presentation for Business Valuation Resources (BVR), July 2016

Chapters titled “Using Internet Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published in The Comprehensive Guide to Lost Profits and Other Commercial Damages, 4<sup>th</sup> Edition; and Calculating Economic Damages in Intellectual Property Infringement Cases, 2<sup>nd</sup> Edition; both books published by Business Valuation Resources (BVR); 2016

“Employing Internet and Social Media Analytical Tools in Valuation and Damages Calculations;” Presented at the NACVA and the CTI’s 2016 Annual Conference, San Diego, June 2016

“Brand Due Diligence: Tools and Techniques for Supporting Successful Brand Driven Transactions” Luncheon Table Topic at the International Trademark Association (INTA) Annual Meeting, Orlando, FL, May 2016

“Brand Valuation” presentation at the University of New Hampshire School of Law Conference on Brand Valuation, Concord, NH, April 2016

“Valuing IP Using an Apportionment Model” webinar presentation for Business Valuation Resources (BVR), part of BVR’s “Special Series on Intellectual Property”, October 2015

“Valuation and Damages Calculations in Cases Involving Internet IP Infringement and Defamation” presented at the NACVA and the CTI’s 2015 Annual Conference, June 2015

“Internet Analytic Tools for Brand Valuation, Damages and Defamation” Table Topic discussion at INTA 2015 Annual Meeting, May 2015

“IP Valuation & Damages” panel presentation for Provisors’ Corporate Deal Professionals of San Diego, January 2015

“How to Calculate Damages for Internet and Social Media Infringement” presented to the 36<sup>th</sup> Annual Brand Activation Association Marketing Law Conference, November 2014

“Damages and Valuation for Internet IP Infringement and Defamation” presented to Internet Law Leadership Summit, May 2014

“Increase the Value of Your IP Through Licensing” presented to the San Diego Chapter of the Licensing Executives Society, March 2014

“Estimating and Managing the Economic Impact of Brand Disparagement” published in *World Trademark Review*, Issue 47, February/March 2014

“SFIA Legal Task Force Series: Intellectual Property Litigation & Valuation” presented to the Sports & Fitness Industry Association members, 2013

“Copyright Valuation and Damages” Continuing Legal Education webinar for State Bar of California, Intellectual Property Law Section, March 2013

“Key Concepts in Intellectual Property Valuation” Continuing Legal Education presentation for San Diego-area Law Firm, March 2013

“Simplicity in Global IP Valuation” with Weston Anson, published in *les Nouvelles* and China Intellectual Property, 2012

**MEMBERSHIPS &  
ASSOCIATIONS**

Chartered Financial Analysts Society of San Diego

Member: Licensing Executives Society (LES), member of the Valuation Committee

Graduate, San Diego Public Leadership Institute

Member, International Trademark Association (INTA)