

## PROFILE

Doug Bania is a founding principal of Nevium Intellectual Property Consultants. Nevium is an intellectual property consulting firm specializing in developing IP strategies, IP valuation and monetization of IP as well as providing expert testimony related to IP damages and licensing customs and practices.

Mr. Bania has been the named expert for over 95 cases, deposed 21 times and has provided trial testimony 5 times.

Mr. Bania is a Certified Licensing Professional (CLP), a Google Analytics Certified Individual (GAIQ) and is a past committee member (2016 - 2019) for the International Trademark Association (INTA) Internet Committee and the ICANN Compliance and Domain Name Industry Subcommittee, a current member of the INTA Right of Publicity Committee and the American Bar Association (ABA), Copyright & Social Media Committee.

Mr. Bania specializes in analyses for copyright, trade dress, trade secrets and trademark infringement, publicity rights, social media and Internet infringement, defamation, marketing strategy analyses, royalty rate determinations and other intangible assets. Mr. Bania also provides valuation and monetization strategies for trademarks, trade secrets, publicity rights, domain names, Internet and social media assets, brands, copyrights and other intangible assets for financial reporting, bankruptcy and transactional due diligence.

## Expert Witness History

Edison Brewing Company LLC v. Gourmet Fresh LLC, USDC for the Southern District of Ohio Eastern Division, Case No. 2:21-cv-00876-EAS-CMV. **Trademark Damages**, Expert Report, 2022

John C. Depp, II v. Amber Laura Heard, Circuit Court of Virginia, Fairfax County, No. CL-2019-0002911. **Defamation, Internet / Media Investigation**, Expert Consulting, 2022

Meribear Productions, Inc. dba Meridith Baer Home vs. Brett Baer, City Lights Staging, Inc., Jamie Baer, Caleb Morse, Superior Court of the State of California, County of Los Angeles, Norwalk, Case No. VC065653. **Intellectual Property and Intangible Asset Consulting**, Expert Report and Deposition, 2021

Paul Nicklen v. Sinclair Broadcast Group, Inc., Sinclair Television Media, Inc., et al., USDC for the Southern District of New York, Case No. 1:20-cv-10300-JSR. **Copyright Damages**, Expert Report, 2021

Eric Coomer, Ph.D. vs. Donald J. Trump for President, Inc. Sidney Powell, Rudolph Giuliani, et al. District Court, Denver County, Colorado. Case Number 2020CV34319. **Defamation, Internet and Social Media Investigation Damages**, Expert Consulting, 2021

Reflex Media, Inc. and Clover8 Investments, PTE. LTD. v. Luxy Limited, Jason Qiang DU, et al., USDC Central District of California, Case No. 2:20-cv-00423-RGK-KS. **Trademark Damages, Internet and Social Media Investigation**, Expert Consulting, 2021

National Rifle Association of America v. Ackerman McQueen, Inc., Mercury Group, Inc., Henry Martin, and Jesse Greenberg, USDC for the Northern District of Texas Dallas Division, Case No. 3:19-cv-02074-G. **Internet and Social Media Investigation**, Expert Consulting, 2021

Reaves Law Firm, PLLC v. Tiger Sports Properties, LLC, USDC for the Western District of Tennessee Western Division, Case No. 2:19-cv-2465. **Right of Publicity Valuation for Penny Hardaway**, Expert Report, 2021

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Samantha Childs vs. Benjamin Polansky, DVM, California Veterinary Specialists, Superior Court of the State of California, County of San Diego North County Division, Case No. 37-2019-00040629-CU-PN-NC. **Social Media Valuation**, Expert Consulting, 2021

Sandro Nardone v. Ital Pizza, Inc., et al., Superior Court of The State of California, County of Orange, Central Justice Center, Case No.: 30-2016-00884748-CU-BT-CJC. **Brand Valuation and Reasonable Royalty Analysis**, Expert Consulting, 2021

Insurance King Agency, Inc. vs. Just Auto Insurance, Inc., USDC Central District of California, Case No. 2:2020-cv-05944. **Trademark Damages**, Expert Consulting, 2021

The Music Force, LLC v. Sony Music Entertainment, Montero Lamar Hill, aka Lil Nas X, et al. USDC Central District of California, Case No. 2:19-cv-06430-FMO (RAOx). **Copyright Damages**, Expert Report, Deposition, 2020

Music Specialist, Inc. and Sherman Nealy v. Atlantic Recording Corporation, Warner Chappell Music, Inc., and Artist Publishing Group, LLC.; USDC Southern District of Florida, Case No: 1:18-cv-25474-RAR. **Copyright Damages**, Expert Report, 2020

Kabushiki Kaisha Too Marker Products, Inc. v. Imagination International Incorporated and John Darland; In the International Chamber of Commerce, Case No. ICC 24464/MK (EA). **Website Traffic and Social Media Damages**, Expert Report, 2020

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Gamble Company; USDC for the Southern District of Ohio Western Division – Cincinnati, Case Number: 1:17-cv-00406-TSB. **Copyright Damages for Photographs used on Product Packaging**, Expert Report, Deposition, 2020

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Maxima Operating X LLC; USDC Central District of California, Case No. 2:16-cv-02341 SJO (JCx). **Trademark, Licensing & Social Media Analysis**, Expert Report & Mediation Testimony, 2017

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Ryoo Dental, Inc. v. Thomas D. Han DMD, dba Beach Dental Care, USDC Central District of California, Southern Division, Case No. 8:15-cv-00308-JLS-RNB. **Copyright Damages & SEO**

**Analysis, Expert Report, 2016**

Joel Zimmerman p/k/a “deadmau5” and Ronica Holdings Limited vs. Play Records, Inc., Ontario Superior Court of Justice, Court file No. CV-15-539129. **Trademark & Copyright Damages**, Expert consulting, 2016.

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Reese Witherspoon v. LNT Acquisition LLC, et al., Case No. SC120883, Superior Court of the State of California, County of Los Angeles, West District. **Right of Publicity Damages**, Expert Report, 2016

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Cynara Busch v. Jakov Dulcich and Sons, LLC, Sunlight International Sales, Inc., Case No. CIV 1404125, Superior Court of the State of California, County of Marin, **Right of Publicity Damages**, Expert Consulting, 2015

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Stone Creek, Inc. vs. Omnia Italian Design, Inc., Case No. CV-13-00688-PHX-DLR, USDC, District of Arizona, **Trademark Damages & SEO Analysis**, Expert Report, Deposition and Trial Testimony, 2015

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Matthew C. Morin v. Cindy Marabito, Case No. RG14747850, California Superior Court, Alameda County. **Defamation Damages**, Expert Consulting, 2015

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Reese Witherspoon v. Marketing Advantages International, Inc., et al., Case No. SC120883,

Superior Court of the State of California, County of Los Angeles, West District. **Right of Publicity Damages & SEO Analysis**, Expert Report, 2014

Jason Olive vs. General Nutrition Centers, Inc., Case No. BC482686, Superior Court for the State of California, County of Los Angeles. **Right of Publicity Damages**; Expert Consulting, 2014

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One Beacon Insurance Company v. National Casualty Company, Case No. CV 06342-550-JC, USDC, Central District of California. **Copyright Damages**; Expert Opinion, 2014

Star Fabrics, Inc. vs. Joyce Leslie, Inc., N.Y. Invasion Inc., Myletex International, Inc., Case No. 13-CV-02771-CAS, USDC, Central District of California – Western Division. **Copyright Damages**; Expert Report, 2014

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The Julia Child Foundation for Gastronomy and the Culinary Arts v. DGWB Advertising and Communications, Case No. 8:12-CV-1402SJO, USDC, Central District of California. **Right of Publicity Damages & SEO Analysis**; Expert Report and Deposition, 2013

United Fabrics International, Inc. vs. G-III Apparel Group, LTD; dba Wilson's Leather; Mcklein Company, LLC, USDC, Central District of California. **Copyright Damages**; Expert Report, 2013

David Wolfe, v. Sunfood, LLC, et al.; Case No. 37-2011-00066729-CU-CO-CTL, Superior Court of the State of California for the County of San Diego. **Right of Publicity Damages**; Deposition, 2013

Brady Industries, LLC v. Waxie's Enterprises, Inc., 2:12-cv-00777-PMP-VCF, USDC, District of Nevada. **Copyright Damages and SEO Analysis**; Expert Report and Deposition, 2013

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Marona Photography, Inc. v. Los Altos Boots, Wild West Boots. 12-CV-00163-WYD-MJW, USDC, District of Colorado. **Copyright Damages**; Expert Report, 2012

Ricky D. Ross v. William Leonard Roberts, II; CV10-4528-PA (RZx), The USDC, Central District of California, Western Division – Los Angeles. **Right of Publicity Damages**; Rebuttal Opinion, 2012

L.A. Printex Industries, Inc. v. Macy's Retail Holdings, Inc., et al.; CV09-3978 DSF (AJWx), USDC, Central District of California. **Copyright Damages**; Expert Report, 2011

John Frederick Dryer, et al. v. National Football League; 0:09-cv-02182-PAM-AJB, USDC, District of Minnesota. **Right of Publicity Damages**; Expert Opinion, 2009

<b>EDUCATION &amp; CERTIFICATION</b>	<p><b>Google Analytics Individual Qualification (GAIQ);</b> 2017</p> <p><b>Certified Licensing Professional (CLP);</b> 2011</p> <p><b>San Diego State University;</b> Masters, Television, Film, New Media Production; 2000</p> <p><b>San Francisco State University;</b> Bachelor of Arts, Cinema; 1997</p>
<b>EMPLOYMENT EXPERIENCE</b>	<p><b>Nevium Intellectual Property Consultants;</b> San Diego, CA; 2012 – present Founding Principal: Provide IP strategy, licensing, valuation and expert services</p> <p><b>CONSOR Intellectual Asset Management;</b> La Jolla, CA; 2002 – 2012 Principal: Managed client &amp; firm relations and provided expert witness services</p> <p><b>Independent Film Producer;</b> Los Angeles, CA; 2000 – 2003 Producer for two award winning short films: Boundaries and Passing Through.</p>
<b>ASSOCIATIONS &amp; MEMBERSHIPS</b>	<p>Licensing Executives Society (LES)</p> <p>International Trademark Association (INTA)</p> <p>INTA Right of Publicity Committee (2020 -2023 terms)</p> <p>INTA Internet Committee (2016 -2019 terms)</p> <p>Member, Copyright Society of the United States</p> <p>ICANN Compliance and Domain Name Industry Subcommittee (2016 -2019 terms)</p> <p>American Bar Association (ABA), Section of Intellectual Property Law</p> <p>American Bar Association (ABA), Copyright &amp; Social Media Committee</p>
<b>PUBLICATIONS &amp; PRESENTATIONS</b>	<p>“Can Trademark Infringement Be a Victimless Crime?” Table Topic for the International Trademark Association (INTA), 2021</p> <p>“Defamation Investigations: A Big Leap in Fighting Back” published in The Intellectual Property Strategist, 2021</p> <p>“Proving Online Defamation: No Longer a Black Box” published in Law.com: Legaltech News, 2021</p> <p>“Valuing Brands in the Tech Sector Using an Apportionment Framework” published in the National Association of Certified Valuators and Analysts (NACVA) The Value Examiner, 2021</p> <p>“Using Internet Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2021</p> <p>“Profit Apportionment in Intellectual Property Infringement Damages Calculations” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2021</p> <p>“Trademark and Brand Valuation” webinar for the Confederation of Indian Industry (CII), 2021</p> <p>“What to Look for When Valuing a Cannabis Business” Cannabis Business Times, 2019</p> <p>“Internet Tools for Intellectual Property Analysis” presented as a webinar for the Certified Patent Valuation Analyst certification, 2019</p> <p>“Investigating Online IP Infringement and Calculating Damages for Internet Related Disputes” presented at the University of San Diego School of Law, 2019</p>



- “Nevium: Influencer Marketing Meets Intellectual Property” Forbes, 2019
- “Calculating the Value of Influencer Marketing and Impact of Infringement” Attorney at Law Magazine, 2019
- “Building Cannabis IP Includes Both Your Brand and Your Technology” Entrepreneur, 2019
- “Can Trademark Infringement Be a Victimless Crime? The Stone Creek v. Omnia Case” International Journal of Law and Public Administration, Redfame Publishing Inc., 2018
- “Apportionment Models: Valuing the Contribution of Intangible Property and Assets in Disputes” A Special Series Webinar on New Economic Damages Guide. Business Valuation Resources (BVR), 2018
- “Using Internet Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2018
- “Profit Apportionment in Intellectual Property Infringement Damages Calculations” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2018
- The Florida Bar Business Law Section, 9th Annual Intellectual Property Symposium. Panel on the Blurred Lines trial – Speaking as the copyright damages and apportionment expert. St. Pete Beach, FL, April 2018
- “Proving Infringement in Online Trademark Disputes” Luncheon Table Topic at the 140<sup>th</sup> Annual International Trademark Association (INTA) Meeting, Seattle, WA May 2018
- “Building Brands and Maximizing Value” Workshop Session presented at the Licensing Executive Society (LES) 2017 Spring Meeting entitled Stronger Economies Through Licensing, Washington, DC, May 2017
- “Blurred Lines – Music Industry Damage Calculations” Panel Session presented at SXSW, Austin, TX, March 2017
- “Non-Traditional Marks and the Traditional Practice” Luncheon Table Topic for the International Trademark Association (INTA), San Diego, CA, February 2017
- The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in Calculating Economic Damages in Intellectual Property Infringement Cases book by Business Valuation Resources (BVR), October 2016
- “Misuses of IP Over the Internet: Searching for Value.” Business Valuation Resources (BVR) Special Series Webinar: The Comprehensive Guide to Economic Damages, July 2016
- “The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Lost Profits and Other Commercial Damages book by Business Valuation Resources (BVR), May 2016
- “Brand Valuation and Techniques” presented at the Conference on Brand Valuation; University of New Hampshire School of Law and The Franklin Pierce Center for Intellectual Property. Concord, New Hampshire, April 2016
- “Valuation and Damages Calculations in Cases Involving Internet IP Infringement and Defamation.” NACVA Webinar Series, April 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

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

“Apportioning Copyright Damages: The Case of Blurred Lines” published in the Journal of Intellectual Property Law and Practice, Vol. 10, No. 12, November 2015

“Intellectual Property Valuation: Methodologies and Case Studies” presented at the American Society of Appraisers (ASA), San Diego Chapter monthly meeting, San Diego, 2015

“Blurred Lines or Fuzzy Math: How Did They Come Up with \$7.3 Million or was it \$5.3 Million?” – Damage Calculations in the Music Industry, New York State Bar – Entertainment Business Law Seminar in Association with CMJ Music Marathon, New York, 2015

“Internet Analytic Tools for Brand Valuation, Damages and Defamation” Luncheon Table Topic at the International Trademark Association (INTA) 2015 Annual Meeting, San Diego, CA

“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

“How to Calculate Damages for Internet and Social Media Infringement” presented at the 36th Annual BAA/PMA Marketing Law Conference, 2014

“Calculating Damages from Internet IP Infringement and Defamation” presented at the Internet Law Leadership Summit, 2014

“Estimating and Managing the Economic Impact of Brand Disparagement” published in the World Trademark Review, 2014

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

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