

# EXPERT WITNESS AND DAMAGES CALCULATIONS



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## EXPERT WITNESS SERVICE

Nevium provides trial-tested experts for cases involving intellectual property infringement, defamation, and economic damages. Nevium's principals have been engaged by counsel for plaintiffs and defendants to provide expert opinions and testimony in state and federal courts, arbitration and mediation proceedings.

Areas of expertise:

- Economic Damages related to IP Infringement and misuse: patent, trademark and copyright
- Damages and causation opinions in disparagement and defamation
- Investigation of online and social media infringement or mis-use
- Tax and transfer pricing
- Right of publicity claims
- Lost profits and unjust enrichment opinions related to breach of contract, business interruptions, unfair competition, franchise disputes and false advertising
- Reasonable royalty and profit apportionment calculations
- Valuation opinions for ownership, partnership and shareholder disputes, including post-acquisition indemnification and unpaid compensation claims
- Patent, trademark and copyright valuation opinions

Our principal's CVs are available at [www.nevium.com/ip-expert-witness/](http://www.nevium.com/ip-expert-witness/).

Both experts bring extensive experience as business and transaction analysts, entrepreneurs, business owners and IP managers to their expert testimony.

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## SAMPLE CASES

We have been engaged by the nation's largest law firms, boutique IP and litigation firms and regional law firms. Sample litigation, damages and expert witness assignments include:

- Expert reports and testimony in utility patent, design patent and copyright infringement claims.
- Expert report and deposition testimony in trademark and right of publicity dispute involving Thelonious Sphere Monk and the North Coast Brewery.
- Expert reports and testimony regarding economic damages in multiple trade secret misappropriation, unfair competition and defamation cases.
- Expert report and mediation testimony in a case involving website and SEO analysis and damages from online misuse of IP involving Major League Baseball.

- Apportionment of copyright damages, social media analysis and marketing study for the Blurred Lines case involving Pharrell Williams, Robin Thicke and the Marvin Gaye Estate.
- Expert reports and testimony in false advertising, Lanham Act and brand disparagement claims.
- Expert report and testimony in multiple cases involving use of celebrity images and right of publicity in marketing.
- Investigation of trademark infringement and false advertising in the Google Adwords campaigns run by a global pharmaceutical company.

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## DAMAGES AND EXPERT TESTIMONY ASSIGNMENTS

We work for clients across the country and have never lost a motion to eliminate. Further, Nevium's principals are frequent speakers and presenters at valuation and litigation support conferences, have authored peer reviewed articles on damages calculations and valuation and contributed chapters to The Comprehensive Guide to Economic Damages, and Calculating Economic Damages in Intellectual Property Infringement Cases, both published by Business Valuation Resources.

Nevium can provide expert testimony and litigation support services on an hourly or estimated fee basis. We typically interact with counsel to determine a fee estimate before commencing our work. In certain circumstances we can investigate prospective claims and develop a preliminary damages assessment, which allows attorneys and claimants to weigh the pros and cons of litigation prior to filing a complaint.

Nevium's team has access to business performance, M&A and licensing transaction data, and seeks to validate client information with third-party sources and outside research. Our objective is to develop a fact-based narrative to form the foundation of a supported, reasonable and clear expert opinion and damages calculation.

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## ABOUT NEVIUM

Nevium specializes in intellectual property valuations and expert testimony. We provide the IP community with a visionary approach to calculating and communicating the financial impact of trademarks, copyrights, patents, brands and intangible assets.

For IP litigators we provide expert damages testimony that combines our knowledge of Internet and social media analytic tools with accepted methodologies and concise narratives. For C-level Executives and In-House Counsel we provide IP valuation and portfolio strategies with a focus on connecting IP to financial performance and using IP to increase profits.

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## CONTACT NEVIUM

To investigate if an IP strategy project would be a fit for your organization or clients, ask Brian or Doug at:

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