

INFRINGEMENT INVESTIGATION SERVICES



www.nevium.com

OVERVIEW

Use of the Internet and social media have become an essential component of conducting business around the world and increasingly intellectual property infringement is occurring online and in Social Media. Thus, investigating IP infringement and calculating economic damages both require knowledge and use of Internet and social media analytical tools. In many IP infringement cases, the first step is to prove infringement has occurred.

Before the rise of Internet and social media, cases of infringement and defamation typically occurred in print or on television and were visually obvious. Today, Internet infringement and misuse can be hidden in metadata or keywords and may not be visually obvious. Internet infringement can now be seen by anyone in the world, and a social media post can immediately go viral. Today, infringement can reach a larger audience and rapidly impact financial performance.

In addition to IP infringement damages calculations and expert testimony, Nevium works with IP owners and outside counsel to investigate where, how and when IP infringement, defamation and trade secret misappropriation occurred. Our capabilities in infringement investigation include:

- Analysis of current and archived website and social media content to identify possible current and past misuse of IP
- Analysis of current and archived website source code and metadata to uncover intentional or strategic misuse of IP
- Website and social media performance benchmarking
- Use of paid and organic search analytics to determine reach and impact of infringement
- Undercover and secret shopping to discover IP and trade dress infringement
- Pre-acquisition due diligence to discover IP infringement, mis-use or ownership issues

Our principal's CVs are available at www.nevium.com. Both experts bring extensive experience as business and transaction analysts, entrepreneurs, business owners and IP managers to their expert testimony.

SAMPLE ASSIGNMENTS

Nevium has been engaged by the nation's largest law firms, boutique IP and litigation firms, investment firms and business owners. In past infringement investigation assignments, we:

- Analyzed paid search campaigns to prove intentional trademark infringement

- Analyzed website source code and metadata to demonstrate a defendant intentionally optimized its website for the Plaintiff's tradename
- Used site analytics and traffic at comparable websites to forecast likely traffic to Claimant's website following failure of a marketing partner to direct traffic to Claimant's site
- Mystery shopped and reviewed training materials to document and demonstrate that an ex-franchisee had continued to use the franchisor's trade dress and proprietary business systems
- Uncovered both IP infringement and non-ownership of claimed IP assets in transaction due diligence
- Used website analytics and google search traffic to demonstrate a claimed trademark had no financial impact at the defendant's business and economic damages were \$0

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 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.

INVESTIGATION AND EXPERT TESTIMONY ASSIGNMENTS

Nevium can provide infringement investigation 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.

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.

CONTACT NEVIUM

To interview an expert, obtain an expert CV or review our experts' testimony experience, contact us at:

Nevium Intellectual Property Consultants
858 255 4361 | www.nevium.com
Doug Bania, CLP: dougbania@nevium.com