

## Doug Bania

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### PROFILE

Doug Bania is the founding principal of Nevium Intellectual Property Consultants. Nevium is an intellectual property consulting firm specializing in IP valuation, damages, licensing, and monetization. Mr. Bania has been the named expert for over 120 cases, deposed 36 times and has provided trial testimony 10 times. Mr. Bania is a Certified Licensing Professional (CLP) 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 The Trademark Reporter (TMR) Committee. He is also a member of 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, and royalty rate determinations. 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

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Star Fabrics, Inc. v. 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

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

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. v. G-III Apparel Group, LTD; dba Wilsons 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

Rawlings Sporting Goods Company, Inc., v. Wilson Sporting Goods, 4:12-cv-01204-01204, USDC, Eastern District of Missouri. **Trademark Damages**; Expert Opinion, 2013

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Rebel Media, No Good Entertainment v. Jay Vir, No Good Digital; CV12-04602-R-JC, USDC, Central District of California, Western Division. **Trademark Damages & YouTube SEO Analysis Investigation**; Expert Opinion, 2013

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

## **EDUCATION & CERTIFICATION**

**Certified Licensing Professional (CLP)**; 2011

**San Diego State University**; Masters, Television, Film, New Media Production; 2000

**San Francisco State University**; Bachelor of Arts, Cinema; 1997

## **EMPLOYMENT EXPERIENCE**

**Nevium Intellectual Property Consultants**; San Diego, CA; 2012 – present

Founding Principal: Provide IP strategy, licensing, valuation and expert services

**CONSOR Intellectual Asset Management**; La Jolla, CA; 2002 – 2012

Principal: Managed client & firm relations and provided expert witness services

**Independent Film Producer**; Los Angeles, CA; 2000 – 2003

Producer for two award winning short films: *Boundaries* and *Passing Through*

## **ASSOCIATIONS & MEMBERSHIPS**

Licensing Executives Society (LES)

International Trademark Association (INTA)

INTA The Trademark Reporter (TMR) Committee

Member, Copyright Society of the United States

Copyright Society, Website & Social Media Committee

American Bar Association (ABA), Section of Intellectual Property Law

American Bar Association – IP Law, Trademarks and the Internet Committee

## **PUBLICATIONS & PRESENTATIONS**

“Using Internet Analytic Tools to Attack Causation Paves the Way to a \$0 Damages Ruling” Luncheon Table Topic at the 146<sup>th</sup> Annual International Trademark Association (INTA) Meeting, Atlanta, Georgia May 2024

“An Inside Look at the Testimony of Johnny Depp’s Internet and Social Media Analytics Expert” Luncheon Table Topic at the 146<sup>th</sup> Annual International Trademark Association (INTA) Meeting, Atlanta, Georgia May 2024

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“Profit Apportionment in Intellectual Property Infringement Cases – Part I: A Comparative Analysis Using Google Ads and Conversion Ratios.” *les Nouvelles*, 2023

“Tools of the Trade: Trends and Developments in IP Valuation and Dealmaking Data and Internet Tools.” Panel presentation at the LES 2022 Annual Meeting, 2022

“Profit Apportionment in Intellectual Property Infringement Damages Calculations” *Intellectual Property Valuation Case Law Compendium, Fourth Edition. Business Valuation Resources (BVR)*, 2022

“Using Internet and Social Media Analytic Tools for Valuation and Damages Calculations” Presentation at the NACVA Business Valuation & Financial Litigation Hybrid & Virtual Super Conference, 2022

“Introduction to Copyright Valuation” Chapter 3 in the *Practical Guide to Successful Intellectual Property Valuation and Transactions* by Kluwer Law International, 2022

“Profit Apportionment for Intellectual Property Valuation” Chapter 7 in the *Practical Guide to Successful Intellectual Property Valuation and Transactions* by Kluwer Law International, 2022

“Can Trademark Infringement Be a Victimless Crime?” Table Topic for the International Trademark Association (INTA), 2021

“Defamation Investigations: A Big Leap in Fighting Back” published in *The Intellectual Property Strategist*, 2021

“Proving Online Defamation: No Longer a Black Box” published in *Law.com: Legaltech News*, 2021

“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

“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

“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

“Trademark and Brand Valuation” webinar for the Confederation of Indian Industry (CII), 2021

“What to Look for When Valuing a Cannabis Business” *Cannabis Business Times*, 2019

“Internet Tools for Intellectual Property Analysis” presented as a webinar for the Certified Patent Valuation Analyst certification, 2019

“Investigating Online IP Infringement and Calculating Damages for Internet Related Disputes” presented at the University of San Diego School of Law, 2019

“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

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“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

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“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

“Copyright Valuation and Damages: Different Tools for Different Challenges” presented to The State Bar of California, Intellectual Property Law Section, 2013

“Key Concepts in Intellectual Property Valuation” presented to various law firms, 2012

“Intellectual Property Valuation,” presented to various law firms, 2011

“Valuing your brand for Sale or Securitization”, presented to LIMA members, 2011

“Valuing the Intangible: Where to Start? The Full Family of Intellectual Property and Other Intangibles,” CLE presented to various law firms, 2010

“Valuation, Licensing, Damages and Expert Witnesses,” CLE presented to various law firms, 2009

“Brand Leverage and Valuation” presented to various corporations, 2008

“Deceptive Product Endorsement: Unauthorized Use of a Celebrity’s Name and Likeness,” published in Total Licensing Magazine, 2006