



OCEAN TOMO

CONTRACT COMPLIANCE & LICENSE MANAGEMENT



CONTACT

James E. Malackowski
Senior Managing Director
+1 312 327 4410
james.malackowski@jsheld.com

James E. Malackowski is a Senior Managing Director of Ocean Tomo, LLC, a part of J.S. Held.

Mr. Malackowski brings a truly unique experience base to his work as an expert drawing upon his role as a Certified Public Accountant, Certified Licensing Professional, adjunct MBA instructor and inventor of numerous issued U.S. patents and investor in IP assets.

Monitoring compliance with contractual arrangements (License Agreements) and the identification of understated revenues (royalties & licensing fees) related to these contractual arrangements have previously been outside of management's main focus or overlooked during the allocation of resources. In today's licensing environment, these issues coupled with the controls and procedures necessary to facilitate accurate royalty reporting receive significant consideration in the negotiation and execution of a license agreement.

Attention to these issues are front and center as a means of increasing return on research and development investment and thus enhancing either stakeholder or shareholder value. The issues are of great concern to local, national and international companies, universities and research foundations as technological advances and globalization create environments where having a proactive rather than a reactive attitude is not only profitable, but also necessary in order to maximize return on investment.

With revenues from the licensing of intellectual property rights surpassing \$115 billion, our Royalty Audit Contract Compliance and License Management services provide a complete package of strategic license portfolio monitoring and auditing as well as assistance with portfolio management. Ocean Tomo assists its clients in both improving revenue streams by securing compliance with licensing and other related business contracts as well as creating procedures to manage revenue payments and attract additional licensees.

SERVICES PROVIDED:

- » Processing of License Agreement Royalty and Fee Remittances
- » Auditing and testing compliance with fiscal obligations of license agreements
- » Assessment of historical license fiscal compliance and identification of audit opportunities
- » Consultation on settlement of claims for unpaid or underpaid royalties/fees and whether or not litigation needs to be considered
- » Facilitation of additional licensing opportunities through auction

BENEFITS:

- » Reduction of direct out of pocket costs for processing royalty and fee remittances, as well as monitoring licensee compliance with fiscal obligations
- » Near term and ongoing positive impact on financial performance
- » Allows for internal focus on core competencies and strategic focus
- » Enhanced process and controls to mitigate risk of errors due to negligence or breach of fiduciary duty claims



OCEAN TOMO®

A PART OF  JS|HELD

About Ocean Tomo, a part of J.S. Held

Ocean Tomo provides expert opinion, management consulting, advisory, and specialty services focused on matters involving intellectual property (IP) and other intangible assets. Practice offerings address economic damage calculations and testimony; business licensing strategy and contract interpretation; patent-focused business intelligence; portfolio development strategy; litigation support; trade secret reasonable measures; asset and business valuation; strategy and risk management consulting; merger and acquisition advisory; debt and equity private placement; and IP brokerage.

Ocean Tomo experts are routinely qualified in U.S. District Courts, U.S. Bankruptcy Courts, U.S. Tax Court, U.S. Court of Federal Claims, state courts, the U.S. Patent and Trademark Office Patent Trial and Appeal Board, international courts, and arbitration tribunals on questions relating to IP economics. The firm's professionals have provided expert opinions on IP valuation, reasonable royalty, lost profits, price erosion, commercial success, corrective advertising, creditor allocations, Hatch-Waxman Act market exclusivity, business licensing terms including RAND obligations, venture financing, and equities of a potential injunction. The firm's experience extends to general business valuation and commercial disputes, domestic and foreign, as well as policy issues affecting international technology transfer and economic matters before the International Trade Commission.

Intangible assets comprise 90 percent of business value but are also subject to significant impairment due to enterprise and regulatory compliance risk. Our services are built upon more than three decades of experience assessing IP in the most rigorous of venues. Our financial, market, scientific, and technical experts have deep experience with tangible and intangible assets protected by IP. We bring a unique understanding of the contributory value of proprietary innovation to every engagement. This is the cornerstone of our business.

Subsidiaries of the firm include Ocean Tomo Investments Group, LLC, a registered broker-dealer. As a part of J.S. Held, Ocean Tomo works alongside more than 1,500 professionals globally and assists clients – corporations, insurers, law firms, governments, and institutional investors – on complex technical, scientific, and financial matters across all assets and value at risk.

oceantomo.com

About J.S. Held

J.S. Held is a global consultancy providing technical, scientific, financial, and strategic expertise across all assets and value at risk. Our professionals serve as trusted advisors to organizations facing high-stakes events demanding urgent attention, staunch integrity, clear-cut analysis, and an understanding of both tangible and intangible assets.

In 2022, Ocean Tomo joined J.S. Held, continuing the strategic growth of the firm. Leveraging the J.S. Held team of more than 1,500 professionals around the world, our clients will now have access to J.S. Held's suite of specialized services including:

- » Business Enterprise Valuation
- » Compliance & Regulatory Consulting
- » Cyber Security & Investigations
- » eDiscovery, Digital Forensics & Data Analytics
- » ESG & Sustainability Consulting
- » Financial Investigations
- » Interim Management & Independent Directors
- » Labor & Dispute Investigations
- » M&A Regulatory Response
- » Turnaround & Restructuring

Headquartered in New York, J.S. Held has offices across the United States, Canada, Latin America, Europe, Asia Pacific, Middle East, and Africa.

jsheld.com

J.S. Held, its affiliates and subsidiaries are not certified public accounting firm(s) and do not provide audit, attest, or any other public accounting services. J.S. Held is not a law firm and does not provide legal advice. Securities offered through PM Securities, LLC, d/b/a Phoenix IB, a part of J.S. Held, member FINRA/SIPC or Ocean Tomo Investment Group, LLC, a part of J.S. Held, member FINRA/SIPC. All rights reserved.