



EXPERT TESTIMONY PROFESSIONALS

We are known for our “teaching” — as opposed to “telling” — approach of testimony. Rather than only providing a judge or jury with an opinion, we communicate the key facts and relevant theories in a clear and logical manner.

Our Expert Testimony professionals have industry-leading experience across all types of disputes and are particularly skilled in the determination of damages involving intellectual property.

Our top testifying experts average over 30 years of litigation analysis experience, benefiting clients when considering the complex financial data, qualitative facts, supporting testimony, and damages-related case law. Our experts have testified regarding virtually all damage elements, including lost profits, reasonable royalties, unjust enrichment, price erosion and suppression, accelerated market entry, corrective advertising, and future lost profits. We have served as experts 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.



CONTACT

Alexander Clemons
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Alexander L. Clemons is a Managing Director in Ocean Tomo’s New York City office. Mr. Clemons currently serves as the lead for the firm’s Expert Opinion group, within the Intellectual Property practice. This practice group quantifies economic damages arising from intellectual property disputes and complex commercial litigation.



ERIC CARNICK, CLP
Managing Director

Mr. Carnick has more than 14 years of experience addressing financial, economic, licensing, and accounting issues related to intellectual property and breach of contract litigation. He has offered his expert opinions in federal court and deposition. His experience spans numerous industries including semiconductors, software, fiber optics, telecommunications, consumer electronics, pharmaceuticals, medical devices, and transportation. He has also authored several publications related to intellectual property damages and presented at graduate business and law programs. Mr. Carnick’s approach involves intimately understanding the key facts of the dispute to develop the strategic direction of the damages case and eliminate the inefficiencies that can arise from a less hands-on approach, bringing considerable value to his clients.



ALEXANDER CLEMONS, JD, MBA
Managing Director

Unique among Ocean Tomo’s other testifying experts, Mr. Clemons holds both a JD and MBA. This background best positions him to understand, anticipate, and adapt to the ever changing legal landscape surrounding damages proof requirements, while developing creative solutions to the most challenging damages issues. He has extensive experience across numerous industries related to the assessment of economic damages in litigation matters involving intellectual property, breach of contract, and other claims. In addition, Mr. Clemons consults with clients on strategic IP management issues, licensing assistance, and IP transaction support.



EARL FAIRBANKS
Managing Director

Earl Fairbanks has more than 20 years of experience providing financial consulting and damage analysis to companies and law firms. These matters include intellectual property, government contracts, energy, healthcare, and general commercial disputes. Intellectual property experience includes valuation and analysis of damages related to patent infringement, misappropriation of trade secrets, copyright, breach of contract, and tortious interference. He has extensive experience in the analysis of sales, costs, profits, license agreements, business plans, industry competition, market conditions, case law, and other information for the purposes of calculating damages and valuations.



GARRETT GLOVER
Senior Director

Garrett Glover possesses over seven years of experience related to the assessment of commercial damages in matters involving intellectual property. Mr. Glover has consulted on numerous engagements involving the valuation of intellectual property and the determination of economic damages in commercial suits, including patent infringement, trade secret theft, and breach of contract litigation. While specific issues vary by engagement, most have included evaluation and analysis of financial and strategic data to support or rebut quantification of lost profits, reasonable royalties, price erosion, and/or unjust enrichment. He has supported counsel in all phases of the litigation process from discovery to trial, and his experience spans several industries including energy, automotive, marine, semiconductors, consumer products and electronics, software, and telecommunications.



SHELLY IRVINE
Managing Director

Shelly Irvine is a Managing Director in the Intellectual Property Disputes Practice and leads the San Francisco office of Ocean Tomo, a part of J.S. Held. Ms. Irvine has over 20 years of experience consulting with clients and counsel regarding intellectual property matters in a wide range of industries. Ms. Irvine is focused exclusively on clients who have intellectual property needs, both within litigation as well as advising clients regarding IP business planning, benchmarking, and valuation. Her experience spans many industries including telecom, blockchain, crypto, software, life sciences, semiconductor, clean energy, cloud computing and manufacturing.





JOANNE JOHNSON, CPA, CLP

Managing Director

Joanne Johnson has fifteen years of experience in quantifying economic damages arising from intellectual property disputes. Ms. Johnson has consulted on various engagements involving the determination of economic damages for patent, trademark, copyright and trade dress infringement as well as trade secret misappropriation and breach of contract matters. While specific issues vary by engagement, her work has included evaluation and analysis of financial and business data for the quantification of lost profits, reasonable royalties, price erosion, unjust enrichment, and assessment of commercial success.



COLE KARTMAN, CVA

Senior Director

Cole Kartman is an economic damages and valuation consultant with extensive litigation experience in over 75 matters. His background as an economist and financial consultant provides a solid foundation for understanding the financial framework and economic principles central to valuation and damages. Cole is adept at identifying and analyzing the financial, economic, and business factors pertinent to economic and intellectual property damages. He is proficient in assessing damages arising from patent infringement, Lanham Act claims, misappropriation of trade secrets, breach of contract, and other business disputes.



DAVID KENNEDY, CPA

Senior Managing Director

David Kennedy is an expert in intellectual property valuation and negotiating the economics of patent sales and licensing agreements. He has been acknowledged as one of the World's Leading IP Strategist by Intellectual Asset Management for each of the last 11 years.

Mr. Kennedy has bought and sold patent portfolios and negotiated license agreements in commercial transactions and helped clients establish royalty rates for individual patents and large portfolios of implementation and standard essential patents. Additionally, he has provided forensic consulting services in litigation matters and has testified as an expert witness in numerous matters involving patents, copyrights, and trade secrets covering a wide variety of technologies and technical benefits. Mr. Kennedy has testified as a patent licensing and reasonable royalty expert in ICC International Arbitration proceedings and federal courts – including opining on royalty rates for standard essential patents, implementation patents, and US and worldwide portfolio rates.



DAN LINDSAY

Managing Director

Prior to joining J.S. Held, Dan Lindsay was a Co-Founder and Managing Director of IPFC Corp. Dan has more than twenty years of professional experience providing financial consulting, damages analysis, and expert witness services to law firms and companies throughout the country involved in litigation and other disputes. Such matters have involved patent, trademark, trade dress, breach of contract, business interruption, antitrust, and oil and gas royalty issues, among others. Dan has been designated and testified as an expert in federal court, and has been recognized by Intellectual Asset Management as one of the leading economic experts in the field of intellectual property damages in the United States.



JAMES E. MALACKOWSKI, CPA, CLP

Senior Managing Director

Mr. Malackowski has testified by deposition in more than 100 matters, the large majority of which are intellectual property disputes. On more than 50 occasions, Mr. Malackowski has served as an expert in federal court or the International Trade Commission on questions relating to intellectual property economics, including the subject of business valuation, reasonable royalty, lost profits, price erosion, commercial success, corrective advertising, Hatch Waxman Act market exclusivity and the equities of a potential injunction. 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, inventor of numerous issued U.S. patents and investor in IP assets.



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Ms. Keelan's efforts at Ocean Tomo are concentrated in the practice of business development, sales relationship growth and maintenance within the Financial Expert group and valuation practices. In working with the firms Managing Directors and C-level team, she successfully develops firmwide and practice specific key account strategies, and establishes and nurtures long term client relationships. Through speaking engagements and conference participation, Ms. Keelan creates and solidifies an industry presence.



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MICHAEL MCGINNIS

Senior Director

Michael McGinnis works with his clients to provide economic consulting services on intellectual property matters and complex commercial litigation. He has experience spanning various industries, including consumer electronics, semiconductors, computer hardware and software, medical research equipment, hospital equipment, automotive, energy, aviation, retail, and telecommunications. His litigation and dispute experience consists of patent infringement, trade secret misappropriation, copyright valuation, trademark infringement, insurance contract disputes, and breach of contract. He has performed financial modeling and calculations relating to damages for expert reports, including analysis of industry competition and evolution, company financials and sales data, industry profitability, supplier and intellectual property license agreements, business funding proposals, and business plans relating to product and service launch and guidance.



ROBERT MCSORLEY, JD, CPA

Managing Director

Mr. McSorley has 30 years of experience addressing the economic, financial, and accounting issues involved in commercial litigation. During his career, Mr. McSorley has been retained in IP disputes, accounting malpractice claims, breach of contract actions, fraud investigations, among other types of litigation. Mr. McSorley has testified in deposition, at arbitration hearings, and in federal district courts around the Country. Mr. McSorley is a leader of Ocean Tomo's Hatch-Waxman practice. In connection with these cases, Mr. McSorley has addressed issues concerning commercial success, irreparable harm, and economic damages.



BRIAN W. NAPPER

Senior Managing Director

Senior Managing Director

Brian W. Napper is an intellectual property valuation, licensing, and commercialization expert skilled in the determination of financial damages. With over 30 years of professional experience, Mr. Napper is a Senior Testifying Consulting Expert working from the San Francisco office of Ocean Tomo, a part of J.S. Held. He is also part of the Leadership Team. On more than 80 occasions over the last ten years, Mr. Napper has provided deposition, trial, and arbitration testimony across a wide range of courts and tribunals. His testimony in courts covers some of the most popular patent infringement forums in the country, including the ED Texas, Delaware, Nevada, ND California, ED California, WD California, ND Illinois, ED Virginia and WD Wisconsin. He has provided testimony before the International Trade Commission (ITC) and several Arbitration panels (including the International Chamber of Commerce) on issues of domestic industry (ITC), economic damages, and Fair Reasonable and Non-Discriminatory (FRAND) licensing rates.



TODD SCHOETTELKOTTE, CPA, CVA

Senior Managing Director

Todd Schoettelkotte has more than twenty years of experience as a financial consultant in a variety of litigation matters and disputes, including intellectual property, breach of contract, business interruption, valuation, and general damage assessments.

Over the course of his career, he has significant experience assisting companies with complex financial accounting and litigation issues across many industries. Todd works with his clients on numerous complex studies involving valuations, lost sales, lost profits, incremental profits, reasonable royalty, unjust enrichment, product line profitability, fixed and variable cost analysis, manufacturing, and marketing capacity, cost claims, company financial performance, and interest on damages. He has extensive experience conducting complex studies of the company's accounting records, assisted companies and law firms in identifying relevant financial information, developed damage claims, and assisted clients with the development of damage alternatives and related case strategies. Additionally, he assists in identifying, reviewing, and analyzing financial documents, including projections, forecasts, business plans, market studies, contracts, and license agreements throughout the United States.



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LARRY TEDESCO, CVA, CLP, MAFF

Senior Managing Director

Larry Tedesco is an intellectual property valuation, licensing, and damages expert. He is acknowledged as one of the World's Leading IP Strategists and Patent Professionals by Intellectual Asset Management (IAM). Mr. Tedesco has spent a large portion of his career developing, managing, valuing, and licensing intellectual property as both an operator and as a consultant. He has provided multiple levels of damages evaluations for both plaintiffs and defendants in a wide range of intellectual property disputes. He is a Certified Valuation Analyst (CVA), Certified Licensing Professional (CLP), and a Master Analyst in Financial Forensics (MAFF). Larry Tedesco has provided forensic and expert consulting services in litigation matters regarding patent royalty structures and modeling, lost profits, reasonable royalties, unjust enrichment, trade secrets, and other forms of economic damages related to complex commercial litigation, intellectual property licensing and valuation.

Mr. Tedesco has reviewed and analyzed thousands of license agreements, and he has determined FRAND royalty rates for Standard Essential Patents in a variety of technologies including wireless telecommunications, Wi-Fi, and audio/video.



BRYAN VAN UDEN

Managing Director

Prior to joining J.S. Held Bryan Van Uden was a Managing Director at IPFC Corp. Bryan has more than 20 years of experience in providing financial consulting expertise in valuations, dispute analysis, and strategies to improve business operations and profitability. His experience includes patent infringement, trademark infringement, copyright infringement, misappropriation of trade secrets, securities violations, veil piercing, breach of contract, personal injury, wrongful termination, unfair business practices, and business and intellectual property valuation.



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About Ocean Tomo

Ocean Tomo, a part of J.S. Held provides Expert Opinion, Management Consulting, Advisory, and Patent Analysis and Reverse Engineering 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.

Our 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 intellectual property economics. Our 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 intellectual property in the most rigorous of venues. Our financial, market, scientific, and technical experts have deep experience with tangible and intangible assets protected by intellectual property. 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, a registered broker-dealer.

As a part of J.S. Held, Ocean Tomo works alongside more than 1500 professionals globally and assists clients – corporations, insurers, law firms, governments, and institutional investors – on complex technical, scientific, financial, and strategic matters across all assets and value at risk.

About J.S. Held

J.S. Held is a global consulting firm that combines technical, scientific, financial, and strategic expertise to advise clients seeking to realize value and mitigate risk. Our professionals serve as trusted advisors to organizations facing high stakes matters demanding urgent attention, staunch integrity, proven experience, clear-cut analysis, and an understanding of both tangible and intangible assets. The firm provides a comprehensive suite of services, products, and data that enable clients to navigate complex, contentious, and often catastrophic situations.

More than 1,500 professionals serve organizations across six continents, including 84% of the Global 200 Law Firms, 75% of the Forbes Top 20 Insurance Companies (90% of the NAIC Top 50 Property & Casualty Insurers), and 71% of the Fortune 100 Companies.

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

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