

INTELLECTUAL PROPERTY CREDENTIALS

Brooks Consulting LLC provides litigation and management consulting services to small businesses, international conglomerates and law firms of every size. Not just consultants – we have run businesses. Our goal is to exceed client expectations by providing timely, cost-effective and high quality deliverables in everything we do.

This document offers an overview of the firm's fastest growing area -- intellectual property litigation, specifically patent infringement. Ask to see the Brooks Consulting Overview for a broader look at the firm.

Services Summary

Brooks Consulting's intellectual property offerings fall into three main categories:

Economic Consulting

Traditional

- Manage Expert Witness Search
- Coordinate Expert Witness Team with Counsel
- Conduct Damages Analysis
- Support Patent Infringement Defendants

Non-Traditional

- Preliminary Settlement Model
- Rule 11 Support

Investigative Services

- Product Searches and Investigations to Establish Potential Infringement of Client's Patent Portfolio

Due Diligence

- Market Assessment for Patent
- Evaluation of Patents for Acquisition or Licensing

Client Feedback

On behalf of Blank Rome and our client, I wanted to express our sincere appreciation for all of your terrific work. You went above and beyond the call of duty on this project, and we were very impressed with both the quality and quantity of information you were able to obtain to help us develop our patent positions. Quite simply, we feel very strongly about our case due in large part to your hard work and creative thinking. You can be rest assured that Brooks Consulting will be at the very top of my list for my future patent cases. Thanks again. - Keeto Sabharwal, Esq., Partner, Blank Rome LLP (Washington, DC)

Phil, thanks for your hard work and the results you were able to achieve so quickly for us in our recent patent infringement case. We particularly appreciate your efficiency, attention to detail in documentation, and ability to turn up significant evidence in the present matter. We look forward to the opportunity to work together again in the near future. - David L. McCombs, Esq., Partner, Haynes and Boone, LLP (Dallas, TX)

Thank you for all your diligent work and advice in our International Trade Commission patent and trade secret case. The evidence and expertise you were able to provide in such short turn-around time were very beneficial to the client and enabled us to understand the market situation in the United States quickly to put together the complaint, pursue the case, and formulate our discovery needs. The efforts you brought to bear as an expert in this matter were instrumental in the favorable resolution of the case. I'm sure that attorneys in our law firm will need similar insights and expertise in the future and I will be sure to recommend you. - Lyle B. Vander Schaaf, Counsel, White & Case LLP (Washington, DC) Note: Lyle is now a Partner with Bryan Cave LLP's Washington, DC office.

Services Detail

The following section provides more detail on the firm's intellectual property services:

Economic Consulting

Traditional

- Manage Expert Witness Search
 - Identify groups of expert candidates from extensive database of expert witnesses and network of industry contacts in each relevant category (e.g., accounting, economics, finance, industry expert, technology expert, jury services, demonstrative exhibits) for interviews by counsel.
 - Develop witness books for each potential expert with relevant background material.
- Coordinate Expert Witness Team with Counsel
 - Testify, or alternatively, serve in a facilitation role with counsel and the outside experts.

- Assist counsel with document review and development of document requests, interrogatories and deposition questions.
- Conduct Damages Analysis
 - Evaluate accounting, economics, finance, manufacturing, marketing, and other relevant disciplines.
 - Develop own damage claim.
 - Critique defendant's damage claim.
- Support Patent Infringement Defendants
 - Provide expert witness search, damages testimony and consulting expert support to coordinate outside expert witness teams.

Non-Traditional

- Preliminary Settlement Model
 - Develop a preliminary model of damages examining lost profits and reasonable royalties using information collected during the research and publicly available industry data to facilitate counsel's efforts to reach settlement with the potentially infringing parties.
- Rule 11 Support
 - Provide evidence to support counsel's filing of a patent infringement complaint based on reasonable inquiry.

Investigative Services

Product searches and investigations to establish potential infringement of client's patent portfolio are conducted by:

- Identifying companies in your market and nearby markets
 - Investigating companies and/or products that may potentially infringe a client's patent portfolio or which have been accused of infringement, using a methodology developed over the past eight years, incorporating the latest web search technologies.
- Identifying products of these companies that have features/functionality that have potential to infringe your patents' claims
- Collecting documentation of this potential infringement
 - Obtaining brochures, white papers, user's manuals, press releases, product reviews, financial filings and other product or corporate documents,
 - Developing questionnaires in conjunction with counsel to elicit information through interviews and/or web demos that is relevant to the patent claims, and
 - Attending trade shows and industry conferences to obtain product information.
- Acquiring products for further technical evaluation

Due Diligence

Market assessment for patent(s) and evaluation of patents for acquisition or licensing is performed by:

- Analyzing the market for potential patent applications or newly issued patents

- Evaluating the market for potential competing products to those covered by patents the client is evaluating to acquire or license
- Analyzing potential market(s) for patents
- Coordinating valuation of patents by experts with whom Brooks Consulting LLC has prior experience

Selected Case Summaries

Financial Services:

- Mr. Brooks testified in United States District Court for the Western District of Pennsylvania in a copyright infringement sanctions hearing related to life insurance illustration software. Testimony addressed inadequacy of plaintiff's discovery response and an overview of the damages methodology in the pending expert report. In addition, filed two expert reports and testified at deposition.
- Conducted investigation of numerous companies for potential patent infringement of a recently issued business method patent in the financial services industry.

Food Services:

- Managed the project team supporting an expert witness in the **Weldotron v. Hobart** patent infringement damages case in the food wrapping equipment industry. Responsible for developing lost profits and reasonable royalty models, supporting attorneys with the development of document requests and interrogatories, reviewing the opposing side's expert statement and model, and managing financial databases and the document library. The case was settled favorably for our client.

IP Telephony / Networking:

- Conducted investigation of a company for potential infringement of patents involving networking equipment. A pending patent lawsuit was filed against this manufacturer.

Personal Computers:

- Conducted investigation of a company for potential patent infringement of a business method patent in the computer hardware industry. A pending lawsuit was filed against this manufacturer.

Photography:

- Managed several major areas of the litigation support activities in the **Polaroid v. Kodak** instant camera and film patent infringement damages case which was the largest such case in history at that time.

Retail:

- Investigated several retail outlets in shopping malls for presence of products violating trademark infringement injunction. Obtained samples of products for counsel.

Semiconductor:

- Conducted an investigation of an alleged infringer for potential infringement of several semiconductor patents held by a major semiconductor manufacturer. The objectives were to obtain specific semiconductor chips and products containing those chips and to research and obtain products to determine whether they contained chips that originated from the alleged infringer. The research was completed using a custom web research methodology, interviews of industry experts and company representatives, information and data collection at industry trade shows and monitoring of business and trade publications. The products and raw chips were provided to a reverse engineering firm for analysis to assist counsel in identifying whether any patent claims were violated. A patent lawsuit and International Trade Commission (ITC) complaint were filed against the alleged infringer, in part, based on this evidence. Mr. Brooks prepared an affidavit that was filed summarizing research findings in support of the ITC complaint and was named as an expert. A multimillion dollar settlement was reached during discovery in favor of my client prior to my deposition or testimony before the ITC.

Telecommunications / Software:

- Surveyed telecommunications, financial and software companies regarding the features and functionality of software products for possible infringement of a client's patents. Obtained through the survey process promotional material, user manuals and demonstration disks of the software for evaluation for possible infringement.
- Identified, coordinated and reviewed expert testimony for a software patent infringement case in the telecommunications industry. Served as the primary firm contact for the client on case strategy and managed the internal project team that included professionals from three different divisions across six offices of a former Big Six accounting firm. The case settled very favorably for our client.

Selected Team Member Backgrounds

Philip L. Brooks - Has more than 25 years of experience providing management consulting services. Elected partner in seven years at one of the most well respected litigation consulting firms in the country. Has over eight years of experience in building and leading boutique consulting practices within the Big Six accounting firm environment and a high technology PR firm. Has served as CEO, COO, CFO or Controller of seven companies. Mr. Brooks is a degreed graduate as follows: M.S., Industrial Administration - Carnegie Mellon University; M.S., Pharmacotherapeutics - Long Island University; and B.S., Biology - The University of Connecticut.

Janet Z. Brooks – Has over ten years of litigation consulting experience in the areas of patent infringement, product liability and contract disputes. In addition, she has over eight years of department/project management experience in the healthcare field. Ms. Brooks earned her M.S. in Medical Technology from the State University of New York (SUNY) at Buffalo and her B.S. in Biology from Slippery Rock University.



Brooks Consulting supplements its in-house team with industry or technical specialists, as needed, to support client requirements.

Philip Brooks' Patent Infringement Updates Blog: www.infringementupdates.com

Resumes, References and Fee Schedule

A broader overview of Brooks Consulting LLC's service offerings and resumes providing detailed case summaries for litigation, corporate recovery, environmental and regulatory economics are available. References and Fee Schedule are available upon request.

Brooks Consulting LLC would welcome a call to discuss your next project.

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