

OCEAN TOMO

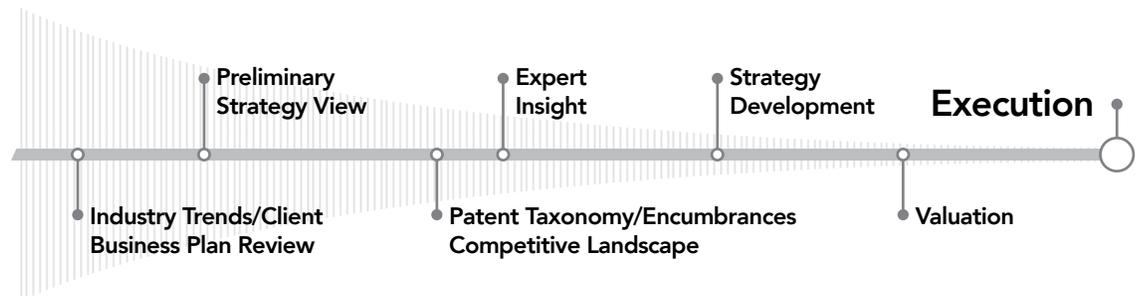
# IP MONETIZATION

AN INTEGRATED FIRM OFFERING



Established in 2003, Ocean Tomo, LLC provides Financial Expert, Management Consulting, and Investment Banking services related to intellectual property (IP) and other intangible assets; corporate accounting investigations; regulatory and reporting obligations; solvency and restructuring; and contractual or competition disputes.

Ocean Tomo is unique in its ability to integrate experts from each of its business units to assist our clients in developing and executing a strategic intellectual property (IP) monetization program. Each assignment benefits from lessons learned through a continually updated best-in-class, cross-business unit approach as illustrated and described below:



## INDUSTRY TRENDS

Led by Ocean Tomo's Innovation Management business unit, each monetization project begins with an analysis of current and expected future sector and macro trends noting the expected role to be played by Intellectual Property (IP), and patents in particular.

## FINANCIAL REVIEW

Ocean Tomo Investments professionals bring unique focus on ways IP assets support financial returns and enterprise value. Attention is given to maximizing revenue and minimizing capital costs by increasing the IP intelligence and awareness of capital providers. Ocean Tomo Investments is closely aligned with non-bank capital providers that recognize IP as a financeable source of value. Key metrics studied in this phase of an integrated IP monetization program include enterprise value, debt (cost and term structure), EBITDA (current and IP-linked potential), interest service and on-going cash requirements. Information considered spans public financial information and firm relationship intelligence supported by Ocean Tomo in-field analysts.

## CLIENT BUSINESS PLAN REVIEW

Working with a client's Chief Intellectual Property Officer (CIPO), patent counsel and experienced client team members, Ocean Tomo professional consider company business plans, looking for both stated IP objectives as well as ways a strong IP monetization program can support overall business goals. Ocean Tomo's work is informed by client experience preparing IP business plans as overlays to broader corporate strategies.



**CONTACT**

**Gregory Campanella**

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Gregory Campanella is responsible for leading Ocean Tomo's Management Services Group and is a Managing Director in the Valuation practice. Mr. Campanella's work has focused on valuations of intangible, intellectual property and tangible assets for acquisitions and divestitures, bankruptcy and restructuring, establishment of monetization strategies including licensing, mergers and joint venture/partnership formations, litigation support, and financial reporting and tax matters.

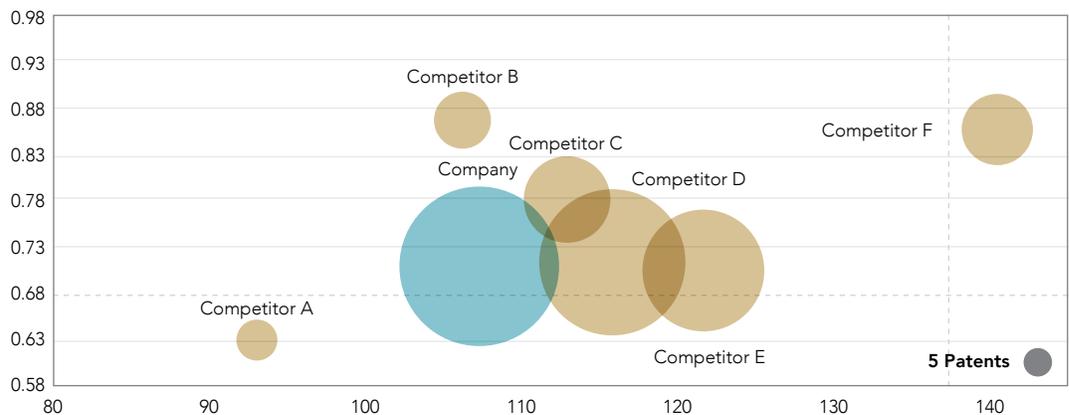
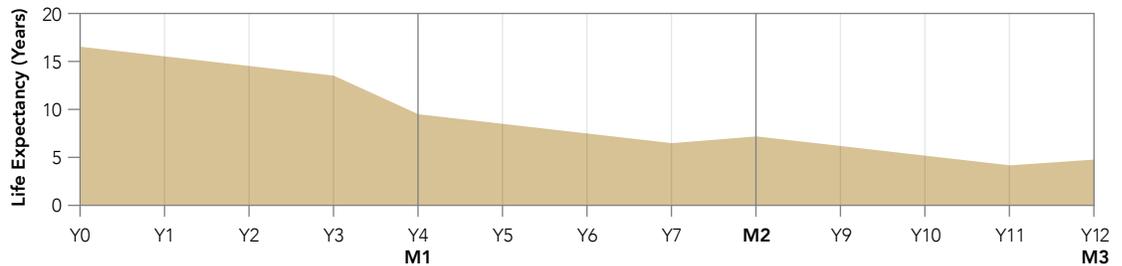
Mr. Campanella also has experience performing business enterprise, equity and debt valuations. Industries in which he has experience include telecom, computer hardware and software, entertainment, semiconductors, life sciences/pharmaceuticals, wireless and wired communication, e-commerce, among others.

**PRELIMINARY STRATEGY REVIEW**

The first three building blocks above form the basis for a Preliminary Strategy Review identifying client specific ways that an IP monetization program can unlock and maximize value, while minimizing risk and any disruption to core business initiatives. Decades of experience suggests that the right strategy varies over time based on industry trends, client financial and market conditions and operating goals. Ocean Tomo's assessment at this stage is cross-functional involving all of our practice areas. After presentation to the client, the preliminary strategy is refined before moving to the next stage.

**PATENT TAXONOMY / ENCUMBRANCES / COMPETITIVE LANDSCAPE**

Building on the preliminary strategy review, Ocean Tomo's Strategy team assesses the specific patent assets available. We consider patent life and term, patent family groupings, international coverage, competitive landscape and other measures that inform our team of specific and potential value. Next, encumbrances are identified and mapped to all assets to understand any likely limits to value realization and to begin to assess an approach to identify and prioritize monetization options and partners. Ocean Tomo will often view monetization opportunities with tools to rate patent quality, determine relatedness or 'relevance' of various assets and display the competitive patent landscape including identification of others who are investing in the technology at issue.



**EXPERT INSIGHT**

The results of Ocean Tomo's Strategy team's assessment allow for a focused review of select patent assets by financial and technical experts. This phased approach to developing a patent monetization plan is unique to Ocean Tomo. The firm stands alone in its ability to integrate sector technological evolution with the latest in patent law, recent case rulings, and administrative and legislative changes to optimize portfolio opportunities. This ability is critical given the significant and ongoing changes in technology and patent law, suggesting changes in potential monetization value as well as desired execution technique. Ocean Tomo's financial review is accompanied by a technical review of patent specifications and resulting claims. Ocean Tomo's Technical Insights practice brings access to seasoned industry professionals with PhD and other relevant technical expertise as well as years of practical patent claim review.

**STRATEGY DEVELOPMENT**

Ocean Tomo's collective analysis next feeds a second cross functional team effort led by Ocean Tomo Strategy professionals to assimilate the information gathered and develop one or several strategic plans for monetization. This strategy is typically specific to each major patent family or technology group.



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## VALUATION

Often, clients ask that Ocean Tomo's Valuation team assign price or value expectations to each major technology and/or the portfolio as a whole. Ocean Tomo's work is informed by the detailed efforts which precede this analysis resulting in recommendations far more reliable than can be obtained by a simple high level review.

## EXECUTION

Ocean Tomo IP Monetization services are typically a precursor to execution of the recommended strategy by the Ocean Tomo Transactions Practice. Ocean Tomo Transactions provides private sale, private auction and globally recognized public auction platforms to secure value from a client's portfolio. For monetization strategies requiring capital, Ocean Tomo Investments can assist in identifying capital sources for debt, equity or joint venture investment.

## TIMING

Ocean Tomo IP Monetization services are requested both in normal course by patent owners seeking new insights on value creation as well as part of post closing M&A activity where joined operations seek to streamline process, reduce costs and unlock value.

## OPTIONS, FEES AND FINANCIAL BACKING

Ocean Tomo recommends that any significant IP Monetization program includes each phase described above. For clients who have already completed portions of this analysis or in select cases, Ocean Tomo will tailor its fee schedule to account for a modified approach. Importantly, when clients retain Ocean Tomo for a full study, Ocean Tomo Investments can often secure a minimum portfolio value or 'stalking horse bid'. Such financial backing of the firm's work is only possible as a result of its integrated service offering.



## CONTACT

### Ryan Zurek

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Ryan Zurek is a Managing Director in Ocean Tomo Investment Group and in Ocean Tomo's Investments practice. He holds the FINRA Series 7 license and 63 license.

Mr. Zurek plays an integral role in all aspects of the firm's investment banking and asset management initiatives, including facilitating IP-driven transactions, mergers and acquisitions, IP monetization strategies, financing and IP-based special situations investments. Mr. Zurek has significant experience in IP valuation, licensing strategy, market research and cash flow analysis. Prior to joining the Investments practice, Mr. Zurek spent 5 years with Ocean Tomo's Expert Testimony practice where he spearheaded engagements involving the valuation of intangible assets across a broad spectrum of technologies.



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## About Ocean Tomo

Ocean Tomo LLC provides Expert Opinion, Management Consulting, and Advisory 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; 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 intellectual property 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 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 Group, LLC, 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, and financial matters across all assets and value at risk.

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## About J.S. Held

J.S. Held is a specialized global consulting firm whose professionals serve as trusted, expert advisors to organizations facing high-stakes events that demand urgent attention, exceptional knowledge, staunch integrity, and clear-cut analysis and advice. The firm provides a comprehensive suite of technical, scientific, financial, and technology advisory services that enable clients across the spectrum of industries to navigate complex, contentious, and often catastrophic situations with precise analysis, reliable insights, and confidence.

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:

- Construction Advisory Services
- Corporate Finance
- Economic Damages and Valuation Services
- Environmental, Health, and Safety Services
- Equipment Consulting
- Forensic Accounting
- Forensic Architecture and Engineering
- Global Investigations
- Property and Infrastructure Damage Consulting
- Surety Services

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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