



OCEAN TOMO SCOPE *of* SERVICES



OCEAN TOMO®
INTELLECTUAL CAPITAL EQUITY®



OPINION SERVICES

EXPERT TESTIMONY

Our Financial Testimony professionals have industry-leading experience across all types of disputes and are particularly skilled in the determination of damages involving intellectual property (IP). Our top testifying experts average over 30 years of intellectual property litigation analysis experience, benefitting clients when considering the complex financial data, qualitative facts, supporting testimony, and damages-related case law.

We strive to develop a focused approach to every assignment. 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.

FEATURED ENGAGEMENT

Idenix Pharmaceuticals Inc., et al. v Gilead Sciences Inc., et al.

A jury in the United States District Court for District of Delaware returned the largest patent verdict in history. The jury awarded Merck's subsidiary, Idenix, \$2.54 billion for patent infringement of technology pertaining to Hepatitis C medication. Ocean Tomo Managing Director Andrew Carter opined as to damages equal to 10% of Gilead's US sales or \$2.54 billion.

FEATURED PROFESSIONALS



Andrew W. Carter
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Mr. Carter has over 30 years experience and has provided expert witness testimony in excess of 80 times.



Joel Lutzker
General Counsel
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Mr. Lutzker has over 40 years of experience in patent litigation and transactions and serves as Ocean Tomo's General Counsel.

VALUATION

INTELLECTUAL PROPERTY VALUATION

We are recognized experts in intellectual property and intangible asset valuation. Our experience includes valuations for transaction pricing, strategy, litigation support, business & equity valuation, licensing & monetization, JV & partnership formation, financing, bankruptcy & restructuring. Our clients include businesses, inventors, financial institutions, and investors across a variety of industries.

VALUATION IN BANKRUPTCY

A considerable and increasing number of corporate restructurings involve significant IP assets. Ocean Tomo's Valuation Group brings expert capabilities and a business-oriented perspective to its clients in bankruptcy and restructuring matters. Our unique approach combines industry-leading intellectual property market expertise with sound valuation theory, allowing us to properly recognize and accurately value all forms of intellectual property assets.

FEATURED ENGAGEMENT

Nortel Networks – EMEA Debtors

Ocean Tomo was hired in 2013 by the EMEA debtors to assist with all valuation and allocation issues related to Nortel's IP. In order to determine the appropriate allocation of sales proceeds, Ocean Tomo performed an independent valuation of the ~2,500 patents and other IP which was sold along with Nortel's various business lines and determined the appropriate commercial life of Nortel's IP portfolio.



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Mr. Campanella is a Managing Director in the Valuation practice with experience in performing business enterprise, equity and debt valuations.



James E. Malackowski
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On more than 50 occasions, Mr. Malackowski has served as an expert in U.S. Federal Court, U.S. Bankruptcy Court and State Court.

MANAGEMENT SERVICES

STRATEGY

Ocean Tomo's Strategic Advisory services are focused on assisting IP and strategy departments with Corporate Planning guidance, Operational Execution support, and Risk Management tools. Across these three pillars, Ocean Tomo's Strategy team guides, develops and helps execute effective strategies for promoting innovation, implementing proven IP protection strategies, and supporting strategic business initiatives.

Our clients benefit from experiences learned through a multi-disciplinary approach, leveraging proven processes, tools and techniques for effectively managing and executing an IP program. Ocean Tomo is retained on behalf of large global companies as well as smaller entities and investment organizations. Our implementation of world-class IP strategy programs assists stakeholders throughout the organization, not simply within the IP function.

FEATURED ENGAGEMENT

MIPS Technologies

Ocean Tomo was retained by MIPS at the very beginning of the IP monetization process. The resulting transaction involved the sale for \$350 million by MIPS to Bridge Crossing, LLC of all of its rights, title and interest in 498 active issued U.S. and foreign patents and patent applications. Bridge Crossing, LLC is a special purpose vehicle formed by Allied Security Trust I, a member-based defensive patent aggregator.



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Layna Guo oversees Transaction Marketing & Business Development for the Ocean Tomo Bid-Ask (TM) Market.



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Ms. Mikols is an Expert Testimony Managing Director, focusing primarily on the quantification of economic damages arising from IP disputes.



ADVISORY SERVICES

ROYALTY & LICENSE COMPLIANCE

Organizations often overlook the importance of monitoring compliance with contractual arrangements, understated revenues linked to licensing agreements are frequently missed, and license management – the controls and procedures necessary to facilitate accurate royalty reporting – is all but neglected. These disregarded mechanisms are vital for both increasing returns and for enhancing an organization’s shareholder value.

Ocean Tomo helps clients improve revenue streams by securing compliance with licensing and other business arrangements, creating procedures to manage revenue payments, and attract additional licenses. The program is a complete package of strategic license portfolio monitoring and auditing.

FEATURED ENGAGEMENT

FinTech Risk Analytics

A leading solution provider for the FinTech Industry sought a collaborative partner to create a prototype to algorithmically incorporate Basel related rules within their financial risk management and compliance systems. The developed script applied requisite RWA and capital charge treatment for various underlying asset classes based on use cases. The FinTech firm integrated the prototype algorithm module into the firm’s enterprise risk and compliance software system.

INVESTMENTS

Ocean Tomo Investment Banking provides IP-based services and products to IP-rich corporations who are looking for nontraditional ways to approach their structural, capital and strategic needs. As the value of corporations increasingly becomes a function of their IP value, Ocean Tomo Investment Banking services will remain at the forefront of value extraction, monetization and maximization.

Services include IP advisory in strategic and financial matters, financing for corporations who elect to use their IP to collateralize or securitize debt obligations, and IP monetization through the outright sale or licensing of IP.

FEATURED ENGAGEMENT

MOSAID Privatization

The MOSAID transaction represents an important milestone in the evolution of IP into a discreet asset class. It is the first leveraged buyout driven exclusively by IP asset value. Ocean Tomo served as intellectual property (IP) advisor, supporting the acquisition of MOSAID Technologies Inc. by Sterling Fund Management, LLC, for a cash payment of \$46.00 per share.

TRANSACTIONS

Ocean Tomo Transactions offers a purpose built continuum of proven solutions to monetize patent, trademark, copyright, trade secret and domain IP. Each Ocean Tomo Transaction service or market platform is designed to efficiently close sell-side, buy-side and license-based transactions.

Ocean Tomo Transactions is uniquely qualified to successfully diligence and close transactions through our extensive transactional experience as well as our ability to leverage the broader insight and relationships of Ocean Tomo as a firm – a network unmatched in the IP space.

Ocean Tomo Investment Group, (Member FINRA | SIPC), an independent licensed broker-dealer under federal and state securities law, provides capital raising services through our network of third party investors.

FEATURED ENGAGEMENT

Verizon Yahoo! Acquisition

Verizon Communications Inc. retained Ocean Tomo to provide intellectual property advisory services focused on Yahoo! Intellectual property assets.

BASF-SE OLED IP Assets Sale

Ocean Tomo represented BASF-SE in the sale of over 500 issued and pending patents related to OLED to strategic acquirer, a subsidiary of Universal Display Corporation for approximately \$96 million USD.



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With over 35 years of professional experience, Ms. Elsten manages Ocean Tomo’s west coast Expert Testimony practice.



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Robert M. Hess is a Managing Director in the firm’s Expert Testimony practice, and one of the founding members of Ocean Tomo.



Justin Lewis
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Mr. Lewis has over 20 years of consulting experience and has testified in both Federal and State court.



Michael K. Milani
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Mr. Milani is an IP damages expert with over 20 years of litigation related experience and 6 years of strategic business expertise.



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Mr. Zurek oversees Ocean Tomo’s Advisory Services comprised of Investments and Transactions Advisory.



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Ms. Webster consults on IP matters, providing analysis of economic damages and expert testimony.

OFFICES

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ABOUT OCEAN TOMO

Established in 2003, Ocean Tomo, LLC provides Financial Expert, Management Consulting, and Advisory 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.

Practice offerings address economic damage calculations and testimony; accounting investigations and financial forensics; technology and intangible asset valuation; strategy and risk management consulting; mergers and acquisitions; debt and equity private placement; and IP brokerage.

Our services are built upon more than three decades of experience in the most rigorous venues – state, federal, and international courts. Our financial, market, and technical experts provide a unique understanding of the contributory value of proprietary innovation. This is the cornerstone of our business. This insight permeates every practice and client engagement.

Collectively, Ocean Tomo professionals have:

- Completed over 1000 engagements, including over 300 valuation and 500 financial damages expert testimony engagements
- Consulted and provided expert testimony on some of the highest profile matters over the past decades;
- Successfully closed hundreds of IP sale transactions with a cumulative transaction value well in excess of \$1 billion; and
- Originated more successful IP monetization solutions than any other firm, including creation of the world's oldest and most successful live patent auction.

Our track record of results spans more than 150 different industry segments. Because our past success provides the best indication of our capabilities, we are proud to serve more than 80% of the AM Law 100® and encourage potential clients to seek references from past clients.

Intangible assets comprise 90 percent of business value but are also subject to significant impairment due to enterprise and regulatory compliance risk. Ocean Tomo assists clients – corporations, law firms, governments, and institutional investors – in realizing Intellectual Capital Equity® value broadly defined.

Organized the first national practice to offer IP valuation opinions.

Created the first scaled investment banking practice, in partnership with leading Wall Street firm, dedicated exclusively to patent based structured finance.

Established a Live Public Auction Marketplace for IP rights.

Created the Ocean Tomo 300® Patent Index – the nation's first index based on the value of intellectual property.

Introduced the first software as a service for product based patent portfolio management.

To learn more about strategic partnership opportunities, please contact Ocean Tomo Co-Founder & CEO **James E. Malackowski** at +1 312.327.4410 or jmalackowski@oceantomo.com.



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