



OCEAN TOMO

# INTELLECTUAL PROPERTY DISPUTES



## CONTACT

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For more than 30 years Mr. Carter has focused on intellectual property infringement damages, providing expert witness testimony in excess of 80 times. Mr. Carter has testified in both Federal and State courts, as well as in front of the International Trade Commission. He is frequently called upon to testify in large scale or complex cases, and was the damages expert for the largest patent damages award in history (\$2.5 billion). His clients cover a wide variety of industries, from telecommunications to pharmaceuticals.

Commercial litigation disputes involve complex legal, financial, and economic concepts. These same concepts become more complicated in matters involving Intellectual Property (IP) claims—and more frequent as technology has furthered the importance of intangible assets, now nearly always outweighing physical assets in enterprise valuation. Ocean Tomo's Intangible Asset Market Value study finds that intangible assets now represent 90% of S&P 500 market capitalization.

Traditional intellectual property disputes were narrowly focused on specific products or features asserted to be infringed or misappropriated by a competitor. Accounting and economic experts developed specialized expertise, often working with technical experts, to value the specific IP at issue and quantify the profits at risk. Today, IP disputes frequently extend beyond a given product to impact the entire business of the IP owner, alleged infringer, or both. Damage experts who bring both specialized IP knowledge as well as general commercial litigation experience are well suited to such litigation. Breach of contract, antitrust, labor disputes, and numerous other commercial cases now have IP as a central element of the case. These new complexities require experts in valuation, financial damages and expert testimony with a broad perspective regarding the full economic, business, and financial impact of a given case.

Ocean Tomo addresses the current market dynamic with experts having deep knowledge in IP as well as financial forensics and business valuation. Ocean Tomo performs IP and enterprise/equity valuation analyses to support our clients in all forms of litigation. We provide expert opinion valuation reports and expert deposition and court testimony to thoroughly defend our assumptions, methodologies, and conclusions. We are known for our "teaching" – as opposed to "telling" – style of testimony. Rather than only providing a judge or jury with a summary opinion, we communicate the key facts and application of approved methodologies in a clear and logical manner. Our client list is evenly balanced between plaintiffs and defendants, with engagements in a wide variety of IP litigation disputes including more specialized patent/trademark infringement and trade secret misappropriation claims.

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

For expertise specific to accounting, financial reporting, and internal controls, and economic damages, Ocean Tomo has no peer. Our services are built upon more than three decades of experience in the most rigorous venues – state, federal, and international courts – and spans more than 150 different industry segments. Because our past success provides the best indication of our capabilities, we encourage potential clients to seek references from both past clients and opposing counsel.



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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.

Headquartered in Chicago, Ocean Tomo has offices in Greenwich, Houston, Jacksonville, Reston (DC Metro), San Francisco, and Shanghai. Subsidiaries of Ocean Tomo include Ocean Tomo Investment Group, LLC, a licensed broker-dealer under Federal and State securities law (brokercheck.finra.org Broker Check CRD #: 172912), OTI Data Networks, LLC and Patent Marking, LLC.