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SUMMARY

Dr. Stuart Miller has submitted expert reports and provided testimony in Texas state court and in federal court cases. He has a decade of experience assisting attorneys and clients in the evaluation of damages in litigation disputes. Dr. Miller has evaluated damages in the form of lost profits, reasonable royalties, unjust enrichment, and disgorgement. He has also evaluated economic issues in claims for injunctive relief. His industry experience includes automotive, consumer products, consumer electronics, financial services, oil and gas, medical devices, pharmaceutical, software, and telecommunications.

He has analyzed intellectual property damages in numerous engagements involving patent infringement, trade secret misappropriation, fraud, as well as copyright and trademark infringement. He is experienced in evaluating commercial damages such as those arising from breach of contract and tortious interference claims. He has also evaluated economic issues in class certification cases. Dr. Miller has also evaluated damages issues on behalf of parties involved in international arbitration disputes.

Dr. Miller also speaks Spanish and Portuguese. He is a member of the American Economic Association, the Association of Certified Fraud Examiners, and the Licensing Executives Society. He is a Certified Fraud Examiner (CFE).

SELECTED EXPERIENCE

Commercial Litigation

- Provided expert disclosures and testimony in a dispute related to the provision and distribution of sanitizing products.
- Provided expert report and testimony in relation to breach of contract damages in a dispute relating to the development and distribution of a medical device.
- Evaluated damages on behalf of a client in the real estate sector in relation to a breach of contract claim.

- Evaluated economic damages on behalf of plaintiffs in dispute between independently owned grocery stores operating under corporate name and corporate headquarters regarding allocation of expenses to independently owned stores.
- Evaluated damages associated with breach of contract claims on behalf of defendants in relation to disputed non-compete agreement in the wireless communications industry.
- Evaluated damages associated with breach of contract and fraud claims on behalf of plaintiff, a food manufacturer, relating to the failure of purchased machinery.
- Evaluated damages on behalf of defendant, an investment management firm, brought by plaintiff in association with alleged violation of non-compete agreement.
- Analyzed damages on behalf of plaintiff in a dispute between a physician and hospital relating to claims of fraud and fraudulent inducement.
- Analyzed damages on behalf of plaintiff related to fraud claims against defendants in relation to disputed terms of an employment agreement.
- Evaluated economic harm on behalf of plaintiff in relation to alleged breach of a non-disclosure agreement by defendant, which represented it was interested in acquiring the plaintiff.
- Evaluated lost profits due to alleged breach of contract between medical device manufacturer and distributor.
- Evaluated damages on behalf of client in the real estate sector in a dispute between the developer, home builder, and home buyers.
- Evaluated damages for claims such as breach of contract, tortious interference, breach of non-compete within the context of multiple causes of action in intellectual disputes (see following section).

Intellectual Property

- Provided expert report and testimony addressing damages on behalf of plaintiff in a trade secret misappropriation dispute in the operations consulting industry.
- Provided expert report and testimony on lost profits and disgorgement damages on behalf of plaintiff in relation to trademark infringement, Lanham Act, and false designation of origin claims.
- Evaluated reasonable royalty damages on behalf of plaintiff in a patent infringement dispute related to a pharmaceutical drug to address pain management and its secondary effects.

- Evaluated reasonable royalty damages on behalf of defendant in a patent infringement dispute related to cloud computing services.
- Evaluated reasonable royalty damages on behalf of plaintiff in a patent infringement dispute related to targeted online advertising.
- Evaluated reasonable royalty damages on behalf of defendant, a manufacturer of spinal implant devices, in multiple patent infringement disputes.
- Evaluated reasonable royalty and lost profit damages on behalf of defendant, a manufacturer of insulin injection devices, in multiple patent infringement disputes.
- Analyzed indicators of commercial success in various Abbreviated New Drug Application matters.
- Evaluated reasonable royalty damages in multiple patent infringement disputes on behalf of wireless communications carriers.
- Evaluated reasonable royalty damages in multiple disputes relating to patented smartphone technology on behalf of multi-national smartphone manufacturer.
- Evaluated reasonable royalty damages in patent infringement matter on behalf of defendant, a multinational manufacturer of laptop computers and monitors.
- Evaluated reasonable royalty damages in patent dispute relating to the manufacturing process used to manufacture LCD monitors.
- Evaluated reasonable royalty and lost profit considerations in a patent infringement dispute between manufacturers of LED lighting products.
- Evaluated reasonable royalty damages relating to the alleged infringement of patents related to the ability of accused smartphones to download content.
- Evaluated reasonable royalty damages on behalf of plaintiff in a patent dispute related to bovine reproductive technology.
- Evaluated lost profits and reasonable royalty damages for patent infringement on behalf of plaintiff in the insulation industry.
- Evaluated alleged damages associated with trademark infringement on behalf of defendants in the television industry.
- Evaluated reasonable royalty and lost profits damages relating to patented oil drilling equipment technology on behalf of equipment manufacturing company.
- Evaluated reasonable royalty damages for patented technology dealing with a safety feature used in offshore oil drilling.

- Provided analysis on behalf of plaintiff to quantify the economic harm associated with multiple causes of action (including trade secret misappropriation and trademark infringement) in litigation relating to software and hardware components of virtual reality technology.
- Evaluated damages on behalf of a provider of artificial intelligence software in relation to various asserted claims including trade secret misappropriation, breach of contract, and tortious interference.
- Evaluated trade secret misappropriation and breach of contract damages on behalf of plaintiff, a provider of locum tenens staffing services.
- Evaluated trade secret misappropriation and breach of contract damages on behalf of defendant in a dispute between a medical device manufacturer and a former sales representative.
- Provided analysis on behalf of large U.S. insurance company to quantify the economic harm in theft of trade secrets dispute related to online banking.
- Assisted clients in evaluating appropriate FRAND rates for licensing of Standard Essential Patents for 3G and 4G wireless communication patents.

International Arbitration

- Evaluated claimed damages in liquified natural gas contract pricing dispute in Latin America.
- Evaluated claimed damages in a dispute between a port operator and a sovereign government in Latin America.
- Evaluated damages issues on behalf of claimant in a dispute between parties to a real estate development joint venture in Asia.
- Evaluated damages on behalf of the respondent in disputed acquisition of a food delivery business in Latin America.

Injunctive Relief

- Evaluated issues pertinent to irreparable harm, balance of hardships, and public interest for requested injunctive relief in multiple instances in the pharmaceutical industry.
- Evaluated issues pertinent to irreparable harm, balance of hardships, and public interest for requested injunctive relief for a manufacturer of air purification products.
- Evaluated issues pertinent to irreparable harm, balance of hardships, and public interest for requested injunctive relief for a manufacturer of tools used in oil drilling.

Bankruptcy

- Evaluated solvency of airline on behalf of creditors in bankruptcy proceeding.

Helms Burton Act

- Performed rebuttal analysis on behalf of defendant, a provider of container shipping services, regarding damages sought due to the defendant's alleged trafficking on land allegedly expropriated by the Cuban government.

Class Action

- Evaluated Rule 23(a) considerations on behalf of an automobile manufacturer in relation to allegations of overpayment for diesel vehicles.
- Evaluated economic merits of plaintiff's requested relief on behalf of defendant, a manufacturer of consumer-packaged goods.
- Evaluated economic merits of plaintiff's requested relief on behalf of defendant, a manufacturer of nutritional supplements.

Advisory/Consulting

- Analyzed the economic cost of potential contract buyout options on behalf of a beverage manufacturer.

Selected Non-Litigation Consulting Experience

- Executed probabilistic analysis used to determine pricing for MultiCat, Ltd. catastrophe bond providing \$290 million to the Government of Mexico in the event of a severe natural disaster. Work performed in collaboration with the World Bank, Goldman Sachs and Swiss Re.
- Worked with Agroasemex (Mexican national insurance company) to evaluate catastrophe risk exposure and insurance coverage needs of various classes of public sector assets.
- Served as consultant to Inter-American Development Bank in development of the Bank's natural disaster policy.
- Delivered seminars addressing catastrophe risk exposure and risk transfer options to private sector and government clients in Chile, Colombia, Mexico, and Puerto Rico.

PUBLICATIONS

The “Availability” of Noninfringing Alternatives from a Lost Profits Perspective, BRG Review (co-authored) (2021).

GAAP and Economic Damages, Today’s CPA (co-authored) (2021).

Reasonable Royalty and the Infringer’s Profits, BRG Review (2020).

When Noninfringing Alternative Bars Lost Profits Award (co-authored), Law360 (2020).

No Minimum Level for R-Squared in Regression Analysis (co-authored), Law360 (2016).

Strategies and Financial Instruments for Disaster Risk Management in Latin America and the Caribbean (co-authored), Inter-American Development Bank (2005).

PRESENTATIONS

Lost Profits in Breach of Contract Disputes under Texas Law. Co-presented on April 16, 2021 (accredited for 1.0 TX MCLE general credit).

Lost Profits in Breach of Contract Disputes under Texas Law. Co-presented on March 30, 2021 (accredited for 1.0 TX MCLE general credit).

Lost Profits in Breach of Contract Disputes under Texas Law. Co-presented on March 23, 2021 (accredited for 1.0 TX MCLE general credit).

Reasonable Royalty Damages in Patent Infringement Litigation: Apportionment. Co-presented on December 2, 2020 (accredited for 1.0 TX and IL MCLE general credit).

Reasonable Royalty Damages in Patent Infringement Litigation. Co-presented on October 20, 2020 (accredited for 1.0 TX and IL MCLE general credit).

EDUCATION

London School of Economics (Aug 2003 – Jun 2007)

Ph.D. Development Studies

Doctoral Dissertation: The Micro-Economic Implications of Natural Disaster Risk for Developing Countries: Evidence from Nicaragua.

Stanford University (Sep 2000 – Jun 2001)

M.A. Latin American Studies (Political Economy)

Rice University (Aug 1996 – May 2000)

B.A. Economics; B.A. Spanish (cum laude)

PROFESSIONAL HISTORY

Present Position

Berkeley Research Group, LLC
Associate Director

November 2019 – Present

Previous Experience

AlixPartners LLP
Director
Senior Vice President

January 2017 – October 2019
March 2015 – December 2016

Analysis Group
Manager

January 2012 – March 2015

AIR Worldwide

Risk Consultant; Senior Risk Consultant; Manager

January 2007 – January 2012

PROFESSIONAL AND BUSINESS AFFILIATIONS

- American Economic Association
- Licensing Executives Society
- Association of Certified Fraud Examiners

LANGUAGES

- Spanish
- Portuguese

TESTIMONY EXPERIENCE

- DeWolff, Boberg & Associates, Inc. v. Justin Pethick and The Randall Powers Company. Northern District of Texas (2023). Expert report and deposition testimony. Retained on behalf of plaintiff.
- Pictum Ltd. Co. v. Smart Air Concepts S.L.U. d/b/a Smart Control. 269th District of Harris County, Texas (2023). Expert disclosures and deposition testimony. Retained on behalf of defendant.
- Century HLM, LLC v. CardioQuip, LLC. Eastern District of Missouri (2020). Expert report and deposition testimony. Retained on behalf of defendant.
- Hutchinson Industries, Inc. v. DBL Designs. 348th District of Tarrant County, Texas (2020). Expert reports and trial testimony. Retained on behalf of plaintiff.