

**Stuart Miller, Ph.D.**  
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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 nearly ten years of experience assisting attorneys and clients in the evaluation of damages in litigation disputes. He has analyzed intellectual property damages in numerous engagements involving patent infringement, trade secret misappropriation, 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 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, electronics, financial services, oil and gas, medical devices, software, and telecommunications.

Before working in litigation consulting, Dr. Miller provided catastrophe risk analysis services to insurance and reinsurance firms, ratings agencies, investment banks, and government clients, as well as to international institutions such as the World Bank and the Inter-American Development Bank.

Dr. Miller also speaks Spanish and Portuguese. He holds the Certified Fraud Examiner (CFE) designation and is a member of the Licensing Executives Society.

## **SELECTED EXPERIENCE**

### **Commercial Litigation**

- Evaluated breach of contract damages in a dispute relating to the development and distribution of a medical device.
- 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 claims on behalf of plaintiff, a food manufacturer, relating to lost profits associated with 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 related to fraud claims against defendants in relation to disputed terms of an employment agreement.

### **Intellectual Property**

- Evaluated lost profits and disgorgement damages on behalf of plaintiff in relation to trademark infringement, Lanham Act, and false designation of origin claims.
- Evaluate reasonable royalty damages on behalf of defendant, a manufacturer of spinal implant devices, in multiple patent infringement disputes.
- Evaluate reasonable royalty and lost profit damages on behalf of defendant, a manufacturer of insulin injection devices, in multiple patent infringement disputes.
- Evaluate 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.
- Evaluate trade secret misappropriation and breach of contract damages on behalf of plaintiff, a provider of locum tenens staffing services.
- Evaluate lost profits and reasonable royalty damages for patent infringement on behalf of plaintiff in the insulation industry.
- Evaluate alleged damages associated with trademark infringement on behalf of defendants in the television industry.
- Provide 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 virtual reality technology. Client received a \$500 million jury award.
- Evaluate reasonable royalty damages in multiple patent infringement disputes in the Eastern District of Texas on behalf of wireless communications carriers.
- Evaluate reasonable royalty damages in multiple disputes relating to patented smartphone technology on behalf of multi-national smartphone manufacturer.

- Evaluate reasonable royalty and lost profits damages relating to patented oil drilling equipment technology on behalf of equipment manufacturing company.
- Provide 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.

### **Class Action**

- 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.

### **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**

GAAP and Economic Damages, Today's CPA (co-authored) (accepted for publication, forthcoming 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**

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 Thesis: 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**

- Association of Certified Fraud Examiners
- Licensing Executives Society

## **CERTIFICATIONS**

- Certified Fraud Examiner
- Associate in Reinsurance

## **LANGUAGES**

- Spanish
- Portuguese

## **TESTIMONY EXPERIENCE**

- 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. 348<sup>th</sup> District of Tarrant County, Texas (2020). Expert reports and trial testimony. Retained on behalf of plaintiff.