



JOSHUA W. LATHROP
 BERKELEY RESEARCH GROUP, LLC
 810 Seventh Avenue, 41st Floor
 New York, NY 10019

Direct: 646-205-9276 / Cell: 301-346-1882
jlathrop@thinkbrg.com

Mr. Lathrop has provided litigation, accounting, valuation, financial, and economic consulting services to attorneys and corporate clients for more than twenty-five years focusing primarily on intellectual property and commercial damages matters. Mr. Lathrop has testified at depositions and hearings in numerous matters and has also acted as an arbitrator.

Mr. Lathrop has prepared expert analysis in more than ninety litigation or arbitration matters. His experience includes, e.g., damages due to patent, trade dress, trademark, copyright infringement, and misappropriation of trade secrets under DTSA; valuation of damages due to breach of contract, fraud, and unjust enrichment, and FRAND assessment. Mr. Lathrop has addressed issues such as lost profits, reasonable royalties, lost and avoided royalties, comparable license approaches, disgorgement of profits, accounting of profits; unjust enrichment, price erosion, market expansion, market share, market definition, marketing practices; business, asset, and license valuation; government contracting practices, telecommunications billing disputes, business viability, business interruption, and pre-judgment interest.

Mr. Lathrop has prepared testimony or analysis for use in state courts; U.S. District Courts, e.g., in Delaware, California, Colorado, Georgia, Florida, Illinois, Indiana, Nebraska, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Texas, Tennessee, Virginia, and Wisconsin; AAA; Court of Federal Claims; JAMS; U.S. International Trade Commission (USITC); and the International Chamber of Commerce (ICC).

Mr. Lathrop has been involved in more than a dozen Section 337 matters before the U.S. International Trade Commission including addressing issues of irreparable harm, public interest factors, EPROMs factors, the economic prong of domestic industry, certain business conditions, commercial success, industry acquiescence, remedy, bonding, and patent misuse.

Mr. Lathrop has developed specialized knowledge of the telecommunications, smart phone, high technology, government contracting (including 28 U.S.C. 1498 matters), medical products, pharmaceuticals, apparel, and retail industries. Mr. Lathrop has been involved in numerous breach of contract damages matters involving the application of New York law.

EDUCATION

- M.B.A., Darden Graduate School of Business Administration, University of Virginia,
 Coursework focus on Finance, Accounting, and Quantitative Analysis
 Faculty Award for Academic Excellence
- B.A., Economics, College of William & Mary,
 Summa cum Laude, Phi Beta Kappa, Omicron Delta Epsilon

PROFESSIONAL HISTORY

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|---|-------------------------------|
| Managing Director, Berkeley Research Group, LLC | July 2021– present |
| Director, Berkeley Research Group, LLC | December 2014 – June 2021 |
| Principal, Berkeley Research Group, LLC | November 2010 – December 2014 |
| Vice President, Analysis Group, Inc. | March 2008 – November 2010 |
| Director, Navigant Consulting, Inc. | January 2005 – March 2008 |
| Various positions, PricewaterhouseCoopers LLP (PwC) | June 1994 – January 2005 |

EXPERIENCE IN TESTIFYING EXPERT ROLE

- In a matter involving patent infringement, trade secret misappropriation under MUTSA and DTSA, breach of contract, unfair and deceptive acts and practices, and various counterclaims, between an inventor and actuarial and consulting firm for the insurance industry and a start-up offering predictive analytics to the insurance industry, addressed issues including determination of the nature and amount of damages, lost profits, price erosion, reasonable royalties, unjust enrichment and the appropriateness of counterclaimed damages methods. Issued expert reports: October and November 2023. Testified at deposition: November 2023 (United States District Court for the District of Massachusetts).
- In a matter involving trade secret misappropriation under the Defend Trade Secrets Act (DTSA), breach of contract, and tortious interference with prospective economic advantage, between a medical device company marketing spinal implant systems used in surgical cases and former sales personnel, addressed issues including the nature and amount of damages, lost profits, increased costs, and unjust enrichment. Issued expert report: November 2023 (United States District Court for the District of New Jersey).
- In a matter involving breach of contract, unfair competition, and unjust enrichment claims between manufacturers of thermally protected metal oxide varistors (“TPMOV”), addressed issues including determination of the nature and amount of damages, lost profits and price erosion. Issued expert report: May 2023. (United States District Court Southern District of New York).
- In a breach of contract matter between parties to a telecommunication channel partner agreement, addressed issues including determination of the nature and amount of damages. Issued expert report: January 2022. Testified at deposition: March 2022. (United States District Court Southern District of New York).
- In a breach of contract matter between parties to a distribution agreement for a leading pharmaceutical product, addressed issues including determination of the nature and amount of damages. Issued expert reports: November / December 2021 (AAA), New York. Testified at hearing: Feb 2022 (AAA), New York
- In a breach of contract matter with other related claims between producers and financiers of a music festival, addressed issues including determination of the nature and amount of damages. Testified at deposition: June 2020. Testified at hearing: July 2020 (AAA), New York.
- In a Section 337 investigation regarding certain LTE-and 3G-compliant cellular communications devices, addressed the economic prong of the domestic industry requirement. Issued expert reports: January and March 2019. Testified at deposition: March 2019. Testified at hearing: September 2019 (US ITC).
- In a breach of contract matter between a franchisor and franchisee of retail men’s clothing, determined breach of contract damages using a valuation approach and addressed issues including appropriateness of damages methodology and calculation of alternative damages. Issued expert report: May 2018. Testified at deposition: August 2018 (U.S.D.C. N.D. of Maryland).
- In a trademark infringement matter between a bricks and mortar renter and retailer of branded musical instruments, the manufacturer of those instruments, and an online marketer of discounted musical instruments, addressed issues including appropriateness of remedial methodology and accounting of Defendants’ profits. Issued expert report: March 2018. (U.S.D.C. ND of Indiana, South Bend Division).
- In a matter with multiple liability claims between a U.S. based ice cream concern and a retailer located outside the U.S., addressed issues including determination of damages based on out-of-pocket losses, lost profits, and other case specific claims for direct damages. Issued expert report: January 2018. Testified at deposition: April 2018. Testified at hearing: September 2018 (AAA), Florida.
- In a matter with multiple liability claims between a U.S. based apparel company and an overseas franchisee, addressed issues including determination of damages based on lost business value, out-of-pocket losses, lost profits, and other case specific claims for direct damages. Issued expert report: December 2017. Testified at deposition: March 2018. Testified at hearing: July 2018 (International Chamber of Commerce), Florida.

- In a breach of contract matter between a U.S. based manufacturer of cosmetics and beauty products and an overseas distributor, rebutted distributor's lost profits claims addressing the economic appropriateness or availability of lost profits, given the facts of the case, and providing alternative damages calculations, assuming liability yet correcting for key methodological and calculative errors as well as counterfactual assumptions. Issued expert report: January 2017. Sup. Court of State of New York, County of Queens.
- In a breach of contract matter between a manufacturer and distributor of pet toys and a lifestyle brand, determined breach of contract damages using alternative lost profits approaches and addressed issues including appropriateness of damages methodology. Issued expert report: October 2015. Testified at deposition: April 2016. Supreme Court of the State of New York, County of New York.
- In a breach of contract matter between an apparel manufacturer and a licensed retailer, determined breach of contract damages using a valuation approach and addressed issues including appropriateness of damages methodology and calculation of alternative damages. Issued expert reports: February 2014. Testified at deposition: April 2014. Testified at Hearing: September 2014 (AAA).
- In a patent infringement, false advertising, and unfair competition matter between manufacturers and marketers of endoscopic markers, addressed issues including accounting of profits and determination of lost profits, and reasonable royalty. Issued expert report: June 2011. Testified at deposition: August 2011 (U.S.D.C. M.D. of Pennsylvania).
- In a trademark infringement, copyright infringement, and unfair competition matter between a manufacturer and a reseller of customizable jewelry, addressed issues including determination of defendant's profits, lost profits, and lost and avoided royalty. Issued expert reports: September 2009, October 2009, and March 2010 (U.S.D.C. ED of CA).
- In a copyright infringement, unfair competition and deceptive businesses practices matter between two major providers of home furnishings regarding area rugs and other furnishings, addressed issues including determination of defendant's profits and reasonable royalty damages. Issued expert report: August 2009 (U.S. District Court for the Southern District of New York).
- In a Section 337 investigation regarding ground fault circuit interrupters, addressed issues including domestic industry, bonding, business conditions, commercial success, and industry acquiescence. Issued expert report, rebuttal report, and declaration: April 2008. Testified at deposition: April 2008 (US ITC).
- In a breach of contract and fraud matter between a wireless cable start-up company and an investment bank, addressed issues such as sufficiency of financial records and appropriateness of damages methodology. Expert disclosure: February 2008 (Supreme Court, State of New York, County of New York).
- In a Section 337 investigation regarding bedding and related products for infants and young children, addressed issues including domestic industry and bonding. Issued expert report and testified at deposition: October 2007 (US ITC).
- In a breach of contract matter between a local exchange carrier and a long-distance service provider regarding billing and collection services, addressed issues including appropriateness of damages methodology and calculation of alternative damages. Issued expert report: May 2007. Testified at deposition: June 2007 (Superior Court of the Virgin Islands, Division of St. Thomas and St. John).
- In a patent infringement matter between two major cosmetics manufacturers regarding mascara, addressed issues including calculation of lost profits and reasonable royalties. Issued expert report: November 2006. Testified at depositions: November 2006 and December 2006 (U.S. District Court, District of New Jersey).
- In a breach of contract matter between an inventor and manufacturer of medical products regarding tamper evidence devices for use in hospitals and pharmacies, addressed issues including evaluation of relevance and reliability of a lost royalties damages measure, recalculation of lost royalties, and quantification of

marketing and other commercialization expenditures. Issued expert report: June 2006. Testified at deposition: July 2006 (U.S. District Court, Eastern District of New York).

- In a patent infringement matter between two manufacturers of medical products regarding a method for ACL replacement, addressed issues including calculation of lost profits, reasonable royalties, and convoyed sales. Issued expert report: August 2005. Testified at deposition: October 2005 (U.S.D.C, M.D. of FL).
- Co-expert witness in a matter involving claims of patent and trade dress infringement, breach of contract, and false advertising between two well-known manufacturers of tricycles, addressed issues including disgorgement of profits, lost royalties, and calculation of reasonable royalties. Issued co-expert report: June 2005 (U.S.D.C. ED of VA).
- In a breach of contract matter between an agent and a telecommunications company, addressed issues including appropriateness of damages methodology and calculation of damages. Issued expert report: October 2004 (Circuit Court for Fairfax County, Virginia).

SELECTED LITIGATION EXPERIENCE IN CONSULTING EXPERT ROLE

- In ongoing matters involving causes of action such as patent infringement, breach of contract, and other causes of action, addressed or addressing issues such as damages discovery, determination of damages, and appropriateness of damages methodologies (various jurisdictions).
- In a matter involving trade secret misappropriation under the FLUTSA and DTSA, tortious interference with contract, and tortious interference with business relations between a medical device company marketing spinal implant systems used in surgical cases and former distributors and/or sales agents, addressed issues including the nature and amount of damages, lost profits, other consequential losses, and unjust enrichment (U.S.D.C. M.D. Florida, Jacksonville Div.).
- In matter involving tortious interference with contractual relations, unfair competition, conversion of confidential information regarding distribution agreements for a leading pharmaceutical product, addressed issues including determination of the nature and amount of damages (U.S.D.C. E.D. of Pennsylvania).
- In a patent infringement matter between two manufacturers of power injectable vascular access port products, addressed issued including lost profits, price erosion, and reasonable royalty. Expert testified at deposition: November 2023 (U.S.D.C. District of Delaware).
- In a patent infringement matter between two manufacturers of continuous glucose monitors, addressed issues including determination of lost profits and reasonable royalties. Expert testified at deposition: May 2023 (U.S.D.C., District of Delaware).
- In a patent infringement matter between a seller of sorbent enhancement additives and activated carbon sorbents and multiple entities regarding methods alleged to reduce hazardous emissions from U.S. based coal fired power plants, addressed issues including determination of a reasonable royalty. Expert testified at deposition: March 2023 (U.S.D.C., District of Delaware).
- In patent infringement matters between an innovator in high-speed communications technologies and various pay TV operators such as cable, satellite, and telco/IPTV operators regarding MoCA technology, addressed issues including determination of a reasonable royalty.
- In a patent infringement matter between a failed telecom start up and two social media platform companies, addressed issues including determination of a reasonable royalty. Expert testified at deposition: October 2021. Expert testified at trial: September 2022 (U.S.D.C., Western District of Texas).
- In a patent infringement matter between an innovator in the indoor cycling market and a connected fitness company, addressed issues including determination of a reasonable royalty (U.S.D.C., E.D. of Texas, Marshall Division).
- In a patent infringement matter between a developer of video games and a leading global developer and publisher of interactive entertainment content and services, including video games, addressed issues including determination of a reasonable royalty. Expert testified at deposition: June 2021 (U.S.D.C., Northern District of Texas, Dallas Division).

- In patent infringement matters between a conglomerate and manufacturers of smart watches and fitness trackers, addressed issues including determination of a reasonable royalty. Expert testified at depositions: February 2021 (U.S.D.C., Central District of California) and January 2022 (U.S.D.C., District of Massachusetts).
- In a patent infringement matter between an inventor of three dimensional integrated circuit related technology and a global leader in producing semiconductor products, addressed damages discovery (U.S.D.C., District of Delaware).
- In a patent infringement matter between a global provider of high-performance professional trading software and related infrastructure technology and a leading online broker, addressed issues including sufficiency of data provided and determination of a reasonable royalty. Expert testified at deposition: October 2020. Expert testified at trial August/September 2021 (U.S. District Court, Northern District of Illinois).
- In a baseball-style arbitration between a charitable foundation and a biopharma company regarding a breach of contract dispute with other related claims related to supported research, addressed issues including assessment of appropriateness of damages methodologies and determination of alternative damages. Expert testified at hearing: October 2020 (Center for Public Resources).
- In patent infringement matters between competitive suppliers of breast cancer drugs, addressed issues including evaluation of patent damages relating to biosimilar products via the Biologics Price Competition and Innovation Act (“BPCIA”) including expected launch and entry dynamics in the context of determination of a reasonable royalty (U.S.D.C., District of Delaware).
- In a patent infringement matter between two suppliers of products used in the detection, amplification, and quantification of HIV-1 in human blood, addressed issues including determination of a reasonable royalty. Expert testified at deposition: September 2019. Expert testified at trial: February 2020 (U.S.D.C., District of Delaware).
- In a patent infringement matter between a supplier of water, energy and air improvement solutions and services for industrial and institutional markets and more than one public utility holding companies and other entities regarding methods alleged to reduce hazardous mercury emissions from coal fired power plants, addressed issues including determination of a reasonable royalty. Expert testified at deposition: July 2019 (U.S.D.C., W.D. of Wisconsin).
- In a patent infringement matter between a university and a producer of handsets and a producer of handset components, addressed issues including determination of a reasonable royalty. Experts testified at depositions: November and December 2018 and February and March 2023. Experts testified at trial: January 2020 (U.S.D.C., Central District of California).
- In a dispute between suppliers of topical pharmaceutical products, addressed determination of damages. Expert testified at deposition: July 2019. Expert testified at trial: June 2022 (U.S.D.C., District of New Jersey).
- In a patent infringement matter between two manufacturers of carpet manufacturing equipment regarding methods for manufacturing carpets, addressed issues including lost profits and reasonable royalties. Expert testified at deposition: Fall 2016 (U.S. District Court, Eastern District of Tennessee at Chattanooga).
- In a patent infringement matter between a large technology conglomerate and manufacturer of branded consumer electronic products and subcomponents regarding multiple patents from the patent portfolio of the conglomerate, addressed issues including the determination of a reasonable royalty. Expert testified at deposition: Fall 2016 (U.S. District Court, Northern District of California, San Francisco Division).
- In a matter between manufacturers of plastics machinery and related software, with multiple causes of action such as violation of the Georgia Trade Secrets Act, breach of contract, tortious interference, and unfair competition, addressed issues including lost profits, unjust enrichment, unfair head start, and lost and avoided royalties. Expert testified at deposition: Summer 2016 (U.S. District Court, Northern District of Georgia, Atlanta Division).
- In a breach of implied contract matter between a large, innovative company and a current manufacturer of handsets, addressed issues including a FRAND assessment of offered royalty rates, patent pool royalty rate proxies, aggregate royalty rate apportionment analyses, comparable license analyses, and ex-standard valuation analyses regarding a large SEP portfolio. Experts testified at depositions: Spring 2016 (U.S. District Court, Central District of California). Experts testified at trial: February-March 2017.

- In patent infringement matters between an invention company and manufacturers of digital cameras, addressed issues including determination of a reasonable royalty. Expert testified at deposition: Fall 2015 (U.S.D.C., District of DE).
- In a patent infringement matter between manufacturers and marketers of lock technology, addressed issues including the determination of a reasonable royalty. Expert testified at deposition: Summer 2015 (U.S. District Court, Central District of California, Southern Division)
- In an international arbitration matter between smartphone producers, addressed issues including market approach based comparable valuation analyses for portfolio level cross-license balancing payments covering both non-SEPs and FRAND encumbered SEPs. Hearing: Spring 2015 (International Chamber of Commerce).
- In patent infringement matters between competitors in the market for external defibrillators, addressed issues including lost profits damages and the determination of a reasonable royalty. Expert testified at deposition: Fall 2014 (U.S. District Court, District of Massachusetts).
- In a patent infringement matter between a patent owner and manufacturer of smart phones, addressed issues including the determination of a reasonable royalty. Expert testified at Trial: July 2014 (U.S.D.C, N.D. of California).
- In a patent infringement matter between a patent owner and a manufacturer of power adaptors, addressed issues including the determination of a reasonable royalty. (U.S. District Court, Northern District of California).
- In a patent infringement matter between a specialty manufacturer and the United States of America regarding urine containment devices, addressed issues including the appropriateness of lost profits and the determination of a reasonable royalty as reasonable and entire compensation under 28 U.S.C. 1498. Expert testified at Trial: September 2014 (U.S. Court of Federal Claims).
- In a matter with multiple causes of action including patent infringement, misappropriation of trade secrets, breach of contract, unjust enrichment, and unfair competition between a supplier and a pharmaceutical company regarding multivitamin technology, addressed issues including determination of reasonable royalties and replacement costs. (U.S. District Court, Southern District of New York).
- In a breach of contract matter between a purchaser and seller of a medical diagnostics products company, addressed issues including valuation of damages related to breaches of representations and warranties in connection with the sale of the company. Expert deposed: August 2013. Expert testified at Trial: January 2014 (U.S.D.C, SDNY).
- In a patent infringement matter between an inventor and motion picture film printing company, addressed calculation of reasonable royalties. Expert deposed: May 2013 (U.S. District Court, Southern District of New York).
- In a patent infringement matter between a supplier and pharmaceutical company regarding vitamin manufacturing technology, addressed irreparable harm. Expert deposed: March 2013 (U.S. District Court, District of New Jersey).
- In a patent infringement matter between an inventor and manufacturer and marketer of handheld videogame hardware and software, addressed issues including analytical approaches and determination of a reasonable royalty. Expert deposed: February 2012. Expert testified at Trial: March 2013 (U.S. District Court, Southern District of New York).
- In a matter with multiple causes of action including trademark infringement, unfair competition, and various other causes of action between a promoter of liqueur and a cable television network, assisted in damages related discovery (U.S. District Court, Southern District of New York).
- In a copyright infringement and breach of contract matter between a tanning lotion manufacturer and celebrity and graphic designer, reviewed discovery related to a potential damages claim (U.S.D.C, Eastern District of New York).
- In a breach of contract matter between a leading distributor and retailer of apparel in Europe and a leading designer and manufacturer of apparel in the U.S. regarding a denim brand, addressed issues including assessing methodology, reasonableness, and reliability of lost profits and out-of-pocket damages claims (Int'l Centre for Dispute Resolution).
- In a patent infringement matter between an inventor and several providers of webmail services regarding anti-spam technology, addressed issues including analytical approaches and determination of a reasonable royalty. (U.S. District Court, Eastern District of Texas, Marshall Division).
- In a patent infringement matter between an inventor and several antivirus and internet security software providers regarding a method and system for implementing product activation over the internet, addressed issues including analytical approaches and determination of a reasonable royalty. Expert testified at deposition: September 2012 (U.S. District Court, District of Nebraska).

- In a patent infringement matter between two government contractors regarding a system or method for manufacturing garments with certain beneficial properties, addressed issues including determination of an appropriate reasonable royalty base and rate, including analytical approaches, appropriateness of a damages methodology, and analysis of alternative substitutes to the alleged infringement in the light of 28 U.S.C. 1498. Expert testified at Trial: May 2012 (U.S. District Court, Southern District of New York).
- In a matter with multiple causes of action including breach of contract and unjust enrichment between a supplier and distributor of pet food regarding harm associated with manufacture and distribution of contaminated pet food, addressed issues including sales projections and lost profits calculations (U.S.D.C., Western District of Missouri).
- In a patent infringement matter between an individual and a software company, addressed discounting related issues (U.S. District Court, Eastern District of New York).
- In a breach of contract matter with other alleged claims related to a trademark licensing agreement between marketers of refrigerated fruit products, assessed appropriateness of damages methodology. Expert testified at Trial: April 2012 (U.S. District Court, Southern District of New York).
- In a breach of contract matter with other alleged claims related to trademark usage between a major apparel brand and its onetime licensee regarding manufacture and marketing of handbags and luggage, addressed issues such as appropriateness of damages methodology, sales projections, and lost profits calculations (Supreme Court, State of New York, County of New York).
- In a patent infringement matter between a small company and a large company engaged in online content publishing and updating, addressed damages discovery issues (U.S. District Court, District of Minnesota).
- In a matter with multiple causes of action and counterclaims including breach of contract, trademark infringement, misappropriation of trade secrets, and unfair competition between medical product manufacturers and marketers regarding blood glucose diagnostic equipment and supplies used to treat diabetes, addressed issues such as appropriateness of damages methodology, lost profits, unjust enrichment, and apportionment. Expert deposed: June 2009. Expert testified at Trial: September 2009 (U.S. District Court, Central District of California).
- In a patent infringement matter between an individual and an automobile manufacturer, addressed damages discovery issues (U.S. District Court, Western District of Washington at Seattle).
- In a breach of contract matter between a television station and a pool supply company regarding delivery of advertising, addressed issues such as appropriateness of damages methodology, regression analysis, and lost profits (U.S. District Court, Western District of New York).
- In a matter with causes of action including copyright infringement, breach of contract and fraud between a failed software company and a large provider of back-office banking software, addressed issues such as estimating the market value of technology, assessing the appropriateness of lost profits damages, and apportioning defendant's profits (U.S. District Court, District of Massachusetts).
- In a breach of contract and professional negligence matter between a biotechnology start-up company and a law firm, addressed issues such as market efficiency, business and patent valuation, and appropriateness of damages methodology (Suffolk Superior Court, Massachusetts).
- In an accounting fraud matter related to failed securitizations of student loans between a multi-line insurance company and an accounting firm, addressed issues such as appropriateness of damages methodology and apportionment of damages across a complex securitization structure (U.S. District Court, District of Delaware).
- In a dispute related to bond market inter-dealer brokerage, analyzed effect of security duration and seasonality on inter-dealer broker market share and reviewed technological, regulatory, and competitive evolution of the secondary bond market (Supreme Court of the State of New York).
- In a breach of contract arbitration matter between a large pharmaceutical manufacturer and a specialty marketing company, addressed issues such as extrapolation methods, estimation of but-for revenue, capacity, and reasonable royalties. Expert testified at Hearing: September 2006 (JAMS).
- In a patent infringement matter between two medical products manufacturers regarding suture and suture anchors, addressed issues such as calculation of lost profits and reasonable royalties. Expert deposed: June 2006 (U.S. District Court, District of Massachusetts).

- In a patent infringement matter with multiple claims and counterclaims between two leading manufacturers of network testing equipment, addressed issues such as exposure analysis, entitlement to lost profits, and calculation of reasonable royalties (U.S. District Court, Northern District of California).
- In international trademark arbitration between a trademark owner and a distributor of a well-known brand of designer jeans, addressed issues such as appropriateness of lost profits and lost investment damages methodologies and determination of unpaid royalty amounts. Expert deposed: May 2005. Expert testified at Hearing: August 2005. (American Arbitration Association).
- In a patent infringement dispute between a large government contractor and an inventor regarding postal sorting equipment technology, addressed issues such as exposure analysis, entitlement to lost profits, calculation of reasonable royalties, and pre-judgment interest.
- In a contract interpretation dispute between a small government contractor and several former employees regarding federal government budgeting software, addressed issues such as appropriateness of valuation approach, estimation of fair market value, and critique of valuation. Expert deposed November 2004; Expert testified at Hearing: December 2004 (American Arbitration Association).
- NCRIC, Inc., v. Columbia Hospital for Women Medical Center, Inc. (breach of contract – insurance plan). Issues addressed include analysis of local hospital and healthcare markets trends, financial analysis of hospital performance, and estimation of lost cash flows. Experts testified at Trial: February 2004 (Superior Court for District of Columbia).
- Quartet Holdings, Inc., et al. v. BDM International, Inc. et al. (breach of contract – warehousing software). Issues addressed include evaluation of business valuation method used, evaluation of business sale value, and estimation of breach of contract damages (Superior Court for the District of Columbia).
- Facilicom International, LLC v. Primus Telecommunications, Inc. (billing dispute – long distance telecommunications). Issues addressed include investigation of volume disputes and quantification of offset claims. (United States Bankruptcy Court for the Northern District of Illinois, Eastern Division).
- In re Gemstar Development Corporation Patent Litigation (patent infringement). Limited consulting role (U.S. District Court, Northern District of Georgia, Atlanta Division).
- Oakwood Laboratories, L.L.C, et al. v. TAP Pharmaceutical Products, Inc., et al. (patent infringement – anti-cancer pharmaceuticals). Issues addressed include reasonable royalty and pre-judgment interest damages. Expert deposed: April 2003 (U.S. District Court, Northern District of Illinois).
- ISPTel, Inc. v. Lucent Technologies, Inc. (lost business opportunity – Voice Over Internet Protocol ‘VoIP’). Issues addressed include business viability, telecommunications industry trends, appropriateness of valuation approach, and calculation of damages. Expert deposed: November 2002 (U.S.D.C., N.D. of California, Oakland Division).
- Qwest Communications Corporation v. Touch America Services, Inc., et al. (contract / billing dispute – long distance and local telecommunications). Issues addressed include lost revenues, overcharges, call traffic studies with geographic call volume, and customer origination and termination patterns. Expert deposed: October 2002. Expert testified at Hearing: October 2002 (American Arbitration Association).
- IDX Systems Corp. v St. John Health System (breach of contract – medical practice management software implementation). Issues addressed include lost profits and critique of lost profits analysis. Expert deposed: December 2001 (U.S. District Court, Eastern District of Michigan).
- In Re: America Online Version 5.0 Software Litigation (class certification – internet service provider software). Analyzed feasibility of computing aggregate and class member damages from common information. Expert deposed: September 2001 (U.S. District Court, Southern District of Florida).
- IDX Systems Corp. v. Epic Systems Corp, et al. (theft of trade secrets – medical practice management software). Issues addressed include contract analysis and calculation of lost profits and disgorgement. Expert deposed: June 2001 (U.S. District Court, Western District of Wisconsin).
- Nisus Corporation v. Perma-C***k Systems, Inc. (patent infringement – termiticides). Issues addressed include lost profits and reasonable royalty damages analysis and critique thereof. (U.S.D.C., Eastern District of Tennessee).

- University of Colorado v. American Cyanamid Co. (AHP – Wyeth-Ayerst) (fraudulent nondisclosure of a patent application - prenatal multivitamins). Issues addressed include marketing and market share analyses, calculation of reasonable royalties, disgorgement, unjust enrichment, and analysis of IMS data including substitution analyses relative to generics. Expert testified at Trial: March 2001 (U.S.D.C., District of Colorado).
- OMNIPLEX World Services Corp. v. Science Applications International Corp. et al. (breach of contract – background investigations). Issues addressed include government contracting practices, reasonable royalties, disgorgement, and future lost profit damages (U.S. District Court, Eastern District of Virginia).
- Evans Medical Ltd. and Medeva PLC v. American Cyanamid Co. et al. (patent infringement - acellular pertussis vaccine). Issues addressed include lost profits, price erosion, reasonable royalties, and pricing analysis. Expert deposed: April 1998 (U.S.D.C., Southern District of New York).
- Semiconductor Energy Laboratory Co. v. Samsung Electronics Co., Ltd., et al. (patent infringement and antitrust - amorphous silicon for active matrix computer displays). Issues addressed include antitrust liability and damages and reasonable royalty patent damages. Expert deposed: November 1997 and February 1998 (U.S.D.C., E.D. of Virginia).
- The Johns Hopkins University v. Cardiac Pacemakers, Inc. (patent infringement and breach of contract – implantable defibrillators). Issues addressed include reasonable royalties, lost royalties, and breach of contract damages. Expert deposed: June 1997 (U.S.D.C., District of Maryland, Northern Div.).
- Augustine Medical, Inc. v. Mallinckrodt Medical Group (patent infringement - convective warming blankets). Issues addressed include lost profits, reasonable royalties, and price erosion. Expert deposed: October 1996 and January 1997, Expert testified at Trial: September 1997 (U.S.D.C., Eastern District of Missouri and District of Minnesota).
- Comark, Inc. v. Harris Corporation (patent infringement - high power UHF transmitters). Issues addressed include lost profits, reasonable royalties, and price erosion. Expert deposed: September 1996, Expert testified at Trial: March 1997 (U.S.D.C., Eastern District of Pennsylvania).
- Glock, Inc. v. Smith & Wesson Corp. (trade dress and patent infringement – polymer frame handguns). Issues addressed include reasonable royalties and disgorgement of profits. Expert deposed: January 1996 (U.S.D.C., Northern District of Georgia).
- Elf Atochem North America, Inc., v. Libbey-Owens-Ford Co., Inc., (patent infringement - chemical process for Low Emissivity Glass). Issues addressed include lost profits and reasonable royalty. Expert deposed: July 1995 and November 1995 (U.S.D.C., District of Delaware).
- In a dispute involving a developer and operator of super-regional shopping malls, reviewed and analyzed shopping mall leases, lease terms, and lease other documentation over time.
- Berg v. Molex (patent infringement - SIMM connectors). Issues addressed include price erosion and lost profits on lost sales. Expert Deposed: February 1995 and September 1995. Expert testified at Trial: October 1995 (U.S.D.C., District of Delaware).
- Gargoyles, Inc. and Pro-Tec, Inc. v. The United States (patent infringement - protective eyewear). Issues addressed include lost profits on lost sales, reasonable royalties, delay damages, and analysis of government contracts. Expert testified at Trial: February 1995 (U.S. Court of Federal Claims).
- Wilson v. Evanston Hospital (antitrust, conspiracy - medical office building). Issues addressed include geographic market definition, damages, financial projections, and ability to service debt and satisfy loan covenants. Expert deposed: January 1997 (U.S.D.C., Northern District of Illinois).

SELECTED U.S. INTERNATIONAL TRADE COMMISSION EXPERIENCE IN CONSULTING EXPERT ROLE

- Certain Laptops, Desktops, Servers, Mobile Phones, Tablets, and Components Thereof (domestic industry – patent infringement – microcontroller and USB products). Expert Deposed: March 2022.
- Certain Integrated Circuits and Products Containing the Same (public interest factors – patent infringement – microprocessors, laptops, desktops, computer tablets, all-in-one PCs). Expert Deposed: October 2019 Expert Testified at Hearing: February 2020.
- Certain Multi-Stage Fuel Vapor Canister Systems and Activated Carbon Components Thereof (domestic industry – patent infringement -- multi-stage fuel vapor canister systems and activated carbon components. Expert Testified at Hearing: November 2019.
- Certain Audio Processing Hardware, Software, and Products Containing the Same (public interest and EPROMs factors – patent infringement – software, smartphones, tablets, traditional PCs / laptops, headphones, and wearables). Issues addressed include the public interest factors and EPROMS factors. Expert Deposed: June 2017. Expert Testified at Hearing: August 2017.
- Certain Wireless Devices with 3G and/or 4G Capabilities and Components Thereof (domestic industry – patent infringement – wireless communications). Provided discovery assistance with respect to domestic industry issues.
- Certain Equipment for Communications Networks, Including Switches, Routers, Gateways, Bridges, Wireless Access Points, Cable Modems, IP Phones, and Products Containing Same (domestic industry – patent infringement -- equipment for communications networks). Issues addressed include existence of a domestic industry, public interest, and bonding. Expert Deposed: January 2012.
- Certain Muzzle-Loading Firearms (irreparable harm and capacity – patent infringement – muzzleloaders and breech plugs). In the context of a Temporary Exclusion Order proceeding, issues addressed include exclusivity erosion, loss of goodwill and reputation, price erosion, reduced sales and market share, and capacity to meet market demand. Expert Deposed: July 2011. Expert Testified at Hearing: August 2011.
- Certain Video Game Systems and Controllers (domestic industry – patent infringement – game consoles). Issues addressed include existence of a domestic industry or a domestic industry in the process of being established including the necessary tangible steps to establish a domestic industry. Experts Deposed: June 2011. Experts Testified at Hearing: August 2011.
- Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets (remedy – patent infringement – cellular phones). Issues addressed include relative value of the alleged infringing chipsets as a component of downstream cellular telephone handsets and business viability. Expert Deposed: May 2006. Expert Testified at Hearing: July 2006.
- Certain Male Prophylactic Devices (domestic industry – patent infringement – male prophylactics). Addressed issue of existence of a domestic industry.
- Certain Universal Transmitters for Garage Door Openers (irreparable harm – garage door openers). Addressed issue of irreparable harm due to alleged violation of the Digital Millennium Copyright Act.
- Certain Display Controllers with Upscaling Functionality and Products Containing Same (domestic industry – patent infringement -- video display microprocessors). Addressed issue of existence of a domestic industry. Expert deposed: April 2003.
- In the Matter of Certain Microlithographic Machines and Components Thereof (domestic industry --patent infringement – semiconductor capital equipment). Addressed issue of existence of a domestic industry. Expert deposed: July 2002; Expert testified at Hearing: October 2002.
- Certain Set-Top Boxes and Components Thereof (patent misuse – patent infringement -- interactive program guides). Issues addressed include market definition, market share, and market power; analysis of licenses and licensing practices, tying, and other alleged anticompetitive behaviors. Expert deposed: November 2001; Expert testified at Hearing: December 2001.
- Hardware Logic Emulation Systems and Components Thereof (irreparable harm -- patent infringement - hardware emulation modules). In the context of a Temporary Exclusion Order proceeding, issues addressed include irreparable harm, lost sales, and price erosion. Expert deposed: April 1996. Expert testified at Hearing: April 1996.



OTHER CONSULTING EXPERIENCE

- Mr. Lathrop has examined royalty and profit sharing agreements between two major media entities to determine compliance under terms of the agreements. Issues addressed included an investigative review of five years of financial and accounting records to determine amounts properly owed, amounts actually paid, and reconciliation thereof as well as an evaluation of possible alternative interpretations of the agreements' terms and the consequent effect on royalties and profit sharing.
- Mr. Lathrop has valued donated intellectual property rights for tax purposes for a specialty chemicals manufacturer. Issues addressed included estimation of market size and growth, determination of pricing and penetration performance, estimation of an appropriate royalty rate, tax effects, and discounting. Report issued April 2004.
- Mr. Lathrop has also developed several strategies to lower the overall cost of intellectual property for a major software and hardware manufacturer for a popular hardware device in the game console industry. Issues addressed included mitigation of patent pool costs, strategic sourcing solutions, and product delivery and design solutions. Final presentation made March 2004.

PROFESSIONAL ASSOCIATIONS

District of Columbia Bar Association

- Attorney/Client Arbitration Board
 - Vice-Chair, 2005 to 2006
 - Co-Chair, Training, 2003 to 2005
 - Board Member, 2003 to 2006
 - Arbitrator, 2001 to 2006
- Membership Committee, 2002 to 2004

Guest Lecturer, McIntire School of Commerce, University of Virginia: April 2006, March 2007, and April 2008.

Intellectual Property Owners Association, Damages Committee, 2006 to 2008

Recognized as part of the **IAM Patent 1000 – The World's Leading Patent Professionals**, 2020 forward.

PUBLICATIONS / PRESENTATIONS

- Joshua Lathrop and Susan Chaplinsky. "Formula One: Intangible Asset Backed Security." University of Virginia Graduate School of Business Administration Case Study: UVA-F-1323. Darden Business Publishing: Feb 5, 2001.
- Joshua Lathrop and Bert Reiser, "Enforcing IP Rights Under Section 337." Presentations made in Chicago, May 2005.
- Joshua Lathrop and Rodney Bosco, "Topics in Patent Infringement Damages Calculation." Presentation to the Intellectual Property Law Forum of the Women's Bar Association of the District of Columbia, December 2005.
- Joshua Lathrop and Bert Reiser, "Fundamentals and Trends in Section 337 Investigations at the ITC: A Practitioner's Perspective." Presentation made at the UTCLE 2006 Advanced Patent Law Institute at the United States Patent and Trademark Office, November 2006.
- Joshua Lathrop, Randi Ingerman, James McCarthy, and David Jarczyk, "On the Shoulders of Giants." Panel discussion at the IP Business Conference in Boston, June 2013.