



**KEVIN M. ARST
CURRICULUM VITAE**

October 2017

Kevin Arst is a Managing Director of 284 Partners, LLC, a professional services firm dedicated to advising clients and counsel on financial aspects of intellectual property, including valuation, litigation consulting, IP strategy, and IP transactions.

Mr. Arst has been a consultant focused on financial issues pertaining to intellectual property since 1999. His practice concentrates on the valuation of intellectual property and the determination of economic damages in intellectual property litigation. In each of the past six years, Mr. Arst has been named one of the *World's Leading IP Strategists* by Intangible Asset Management. He recently served as an Officer for the Licensing Executives Society (LES), one of the nation's largest intellectual property trade associations. He is also a past Chair of the *Valuation and Taxation Committee* of LES. Mr. Arst is a Certified Public Accountant (CPA) licensed in the State of California and is Certified in Financial Forensics (CFF) by the American Institute of Certified Public Accountants (AICPA). He is also a Certified Licensing Professional (CLP) and holds a B.S. in Finance from Indiana University's Kelley School of Business.

Mr. Arst has provided expert testimony about IP infringement damages and valuation issues in state and federal court proceedings. His clients have included both individual inventors and multi-national corporations. Mr. Arst has analyzed financial issues associated with many types of intellectual property, including patents, trade secrets, trademarks and copyrights. While the specific issues have varied from case to case, many of his past engagements have included an evaluation and analysis of financial and economic data in order to quantify lost profits, reasonable royalties, price erosion, unjust enrichment or diminished business value. Mr. Arst has also been retained to consult in breach of contract, bankruptcy, and other commercial litigation matters and to support clients engaged in licensing negotiations and business transactions.

Mr. Arst has lectured about intellectual property damages issues on several occasions in university settings and has published articles about intellectual property licensing and damages issues in *Patent Strategy and Management* and the *Trademark Reporter*. He served on the Editorial Board for *LES Insights*, a weekly licensing newsletter published by the LES. Mr. Arst was also retained by the AICPA to write and peer-review questions for the Certified in Financial Forensics (CFF) exam about business and intellectual property valuation issues.

Before joining 284 Partners, Mr. Arst worked at Ocean Tomo and InteCap, Inc. (now Charles River Associates) as a consultant in their respective intellectual property practice areas. He has also worked in industry as a financial analyst for EDS (now Hewlett-Packard), an information technology service provider.

**PROFESSIONAL
EXPERIENCE**

Managing Director, 284 Partners, 2010 – Present

Managing Director, Ocean Tomo, 2007 – 2010

Director, Ocean Tomo, 2004 – 2006

Associate, Ocean Tomo, 2004

Associate, InteCap (now Charles River Associates), 2001 – 2004

Analyst, InteCap (now Charles River Associates), 1999 – 2001

AFD, Electronic Data Systems, Inc. 1998 – 1999

**LICENSES /
ASSOCIATION
MEMBERSHIPS**

Certified Public Accountant (CPA), State of California, Certificate No. 101745

Certified in Financial Forensics (CFF), American Institute of Certified Public Accountants, Certificate No. 1855

Certified Licensing Professional (CLP), Created by the Licensing Executives Society, Certificate No. 2043

Board of Trustees, LES USA and Canada, Treasurer, 2013 – 2016; Associate Treasurer, 2012 – 2013

Past Chair, Valuation and Taxation Committee for the LES USA and Canada

Named as one of World's 250 Leading IP Strategists by Intangible Asset Management in 2011

Named as one of World's 300 Leading IP Strategists by Intangible Asset Management in 2012, 2013, 2014, 2015, 2016

Past member of *LES Insights* Editorial Board

The American Institute of Certified Public Accountants (AICPA), Member No. 4983933

AICPA, Forensic and Valuation Services Member, Chartered Global Management Accountant (CGMA) Certificate No. 110001663, CFF Exam Development Committee

California Society of Certified Public Accountants, Member No. 326244

**SPEECHES
AND
PUBLICATIONS**

University Instruction: The Kent College of Law, Lecturer for *Intellectual Property Finance and Legal Principles*, 2008. Lecture focused on methods of quantifying damages in the context of patent infringement litigation.

University Instruction: The John Marshall Law School, Lecturer for *Valuation of Intellectual Property (IP429-F)*, 2002. Lecture focused on methods of quantifying damages in the context of IP infringement litigation.

Publication: “*Derivative Applications For Patent License Agreements*,” Patent Strategy & Management, Vol. 8, No. 4, co-authored with Michael Milani

Publication: “*Determinants of Patent Value in U.S. Litigation*” Part One of a Two-Part Series, Patent Strategy & Management, Vol. 7, No. 10, co-authored with Michael Milani

Publication: “*Determinants of Patent Value in U.S. Litigation*” Part Two of a Two-Part Series, Patent Strategy & Management, Vol. 7, No. 11, co-authored with Michael Milani

Publication: “*The Securities Act of 1933: Assessing and Managing IP Liability*,” Patent Strategy & Management, Vol. 8, No. 10, co-authored with Michael Milani

Publication: “*Bubbles and Squeaks: ‘Irrational Exuberance’ and Its Impact (or Lack Thereof) on Damages Under the Lanham Act in the Dot.Com Era*,” The Trademark Reporter, Vol. 95, No. 5., co-authored with Robert Morrill and Cate Elsten

Publication: “25%ルール」を否定したUniloc判決の影響～会計・訴訟対応の視点から～” (Article about *Uniloc* published in Japanese) Nikkei IP Awareness, January 20, 2011, co-authored with Michael J. Lasinski

Publication: “*Determining a Reasonable Royalty in the Absence of the 25% Rule of Thumb: Findings from the 2011 LES Spring Meeting Workshop*,” LES Insights, June 7, 2011, co-authored with Brad Kullberg

Publication: “米国特許侵害訴訟における ダメージ・エキスパートの役割 -インサイダーの観点-” (Article about patent damages published in Japanese) Intellectual Property Management, Vol. 66, No. 4, Japan Intellectual Property Association

**SPEECHES
AND
PUBLICATIONS
(CONT.)**

Panelist: “Strategically Managing a Licensing Group to Control Business Risk”
5th Patent Strategy Conference, Examining US & International IP Trends and
Addressing Key Licensing and Due Diligence Issues, San Francisco,
California, March 2008

Panelist: “IP Monetization Strategies” EE Times Intellectual Property
Symposium, San Jose, California, April 2008

Panelist: “Determining a Reasonable Royalty in the Absence of the 25% Rule of
Thumb” LES Regional Meeting, New York, New York, May 2011

Panelist: “From the Courtroom to the Boardroom: Contrasting Expert and
Corporate Valuation Practices” LES Annual Meeting, San Diego, California,
October 2011

Panelist: “IP Valuation in DoD Environment: Challenges and Opportunities”
Aerospace Industries Association 2014 Data Rights Forum, Arlington, Virginia,
April 2014

Panelist: “The Use and Value of Preferential Rights in Intellectual Property
Agreements” LES Annual Meeting, Vancouver, Canada, October 2016

**EXPERT
TESTIMONY
(CLIENT
UNDERLINED)*****Advanced Transit Dynamics, Inc. v. Ridge Corporation***

Primary Action: Patent Infringement
Venue: United States District Court, Central District of California (Western
Division - Los Angeles)
Approximate year: 2015
Trial: N/A

Ambit Corporation v. Delta Air Lines, Inc. and Aircell, LLC.

Primary Action: Patent Infringement
Venue: United States District Court, District of Massachusetts (Boston)
Approximate year: 2010
Trial: Testified in jury trial, no finding of liability

***Business Logic Holding Corporation v. Ibbotson Associates, Inc. and
Morningstar, Inc.***

Primary Action: Trade Secret Misappropriation, Breach of Contract
Venue: Circuit Court of Cook County, Illinois, Chancery Division
Approximate year: 2014
Trial: N/A

**EXPERT
TESTIMONY
(CLIENT
UNDERLINED)****Competitive Edge, Inc., et al. v. Staples, Inc., et al.**

Primary Action: Patent Infringement, Trade Dress Infringement
Venue: United States District Court, Northern District of Illinois
Approximate year: 2009
Trial: N/A

Covidien Inc., et al. v. Ethicon Endo-Surgery, Inc., et al.

Primary Action: Patent Infringement
Venue: United States District Court, Southern District of Ohio
Approximate year: 2017
Trial: N/A

Datacarrier S.A. v. WOCCU Services Group, Inc.

Primary Action: Copyright Infringement
Venue: United States District Court, Western District of Wisconsin (Madison)
Approximate year: 2017
Trial: N/A

Edgenet Inc. v. Home Depot USA Inc., et al.

Primary Action: Trade Secret Misappropriation, Breach of Contract
Venue: State of Wisconsin Circuit Court, Waukesha County
Approximate year: 2012
Trial: N/A

Ethicon Endo-Surgery, Inc., et al. v. Covidien Inc., et al.

Primary Action: Patent Infringement
Venue: United States District Court, Southern District of Ohio
Approximate year: 2013
Trial: N/A

Ethicon Endo-Surgery, Inc. v. Crescendo Technologies, et al.

Primary Action: Trade Secret Misappropriation, Breach of Contract
Venue: United States District Court, Southern District of Ohio
Approximate year: 2008
Trial: Testified in jury trial, jury awarded approximately \$1 million, equitable relief awarded

FastVDO LLC. v. ZTE Corporation, et al.

Primary Action: Patent Infringement
Venue: United States District Court, Central District of California
Approximate year: 2016
Trial: N/A

**EXPERT
TESTIMONY
(CLIENT
UNDERLINED)*****Healthy Advice Networks, LLC v. ContextMedia, Inc.***

Primary Action: False Advertising, Trade Secret Misappropriation

Venue: United States District Court, Southern District of Ohio

Approximate year: 2015

Trial: N/A

Honeywell International, Inc. v. ICM Controls Corp.

Primary Action: Patent Infringement, Copyright Infringement, False Advertising

Venue: United States District Court, District of Minnesota

Approximate year: 2013

Trial: N/A

Joules Limited v. Macy's Merchandising Group, Inc.

Primary Action: Trademark Infringement

Venue: United States District Court, Southern District of New York

Approximate year: 2015

Trial: N/A

Kimberly-Clark Worldwide, Inc. et al v. First Quality Baby Products, LLC et al.

Primary Action: Patent Infringement

Venue: United States District Court, Eastern District of Wisconsin (Green Bay)

Approximate year: 2014

Trial: N/A

Marshall & Swift /Boeckh, LLC v. URS Corporation and Dewberry Davis, LLC.

Primary Action: Copyright Infringement

Venue: United States District Court, Central District of California

Approximate year: 2014

Trial: N/A

Prism Technologies LLC v. United States Cellular Corporation.

Primary Action: Patent Infringement

Venue: United States District Court, District of Nebraska

Approximate year: 2014

Trial: N/A

Radio Systems Corporation et al. v. Lalor et al.

Primary Action: Patent Infringement

Venue: United States District Court, Western District of Washington

Approximate year: 2014

Trial: Testified in jury trial, under \$1 million in damages awarded before reversal.

TSI Incorporated v. Azbil BioVigilant, Inc.

Primary Action: Patent Infringement
Venue: United States District Court, District of Arizona
Approximate year: 2014
Trial: N/A

Verasonics, Inc. v. Alpinion Medical Systems, Co., Ltd.

Primary Action: Trade Secret Misappropriation
Venue: American Arbitration Association
Approximate year: 2015
Trial: Testified in arbitration, confidential damages awarded.

Viva Healthcare Packaging Ltd et al. v. CTL Packaging USA Inc. et al.

Primary Action: Patent Infringement
Venue: United States District Court, Western District of North Carolina
Approximate year: 2015
Trial: N/A

Wausau Homes Incorporated v. Everest Builders of Minocqua, Inc.

Primary Action: Copyright Infringement
Venue: United States District Court, Western District of Wisconsin
Approximate year: 2011
Trial: N/A

West v. Jewelry Innovations, Inc., et al.

Primary Action: Patent Infringement
Venue: United States District Court, Northern District of California
Approximate year: 2008
Trial: N/A

CONTACT

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