



## MICHAEL A. EINHORN

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**Michael A. Einhorn** is an economic consultant and expert witness in the areas of intellectual property, media, entertainment, technology, trademarks, publicity rights, and product design. He received a B.A. from Dartmouth College, a Ph. D. in economics from Yale University, and is the author of **Media, Technology, and Copyright: Integrating Law and Economics** (Edward Elgar Publishers, 2004). He is also a former professor of economics at Rutgers University and adjunct professor at the Silberman School of Business (Fairleigh Dickinson University), a Senior Research Fellow at the Columbia Institute for Tele-Information, and the author of seventy professional and academic articles related to intellectual property and economic analysis.

Dr. Einhorn has provided valuation services in the following areas as a consultant or expert witness:

**Trademarks, Trade Secrets, and False Advertising:** *Trademarks* (Samsung Electronics, Dish Network, Madonna/Material Girl, Oprah Winfrey/Harpo Productions, Avon Cosmetics, *The New York Observer*, the Kardashians/BOLDFACE Licensing + Branding), *trade secrets* (The Weather Channel, Hasbro), and *advertising* (J. Walter Thompson/Banco Popular, Kia Motors, Coca Cola, General Automobile Insurance Company).

**Music:** *Recording artists* (Led Zeppelin, U2, Madonna, 50 Cent, Usher, Rascal Flatts, LMFAO, Aimee Mann, Nappy Roots, Justin Moore, Xzibit, Nelly Furtado, George Clinton, Notorious B.I.G., D.L. Byron), *record labels* (Sony Music Holdings, Universal Music Group, Disney Music, Atlantic Records, Rhine Entertainment), *producers* (P. Diddy, Timbaland), *publishers* (Major Bob Publishing, Universal Music Publishing, Bridgeport Music, Hamstein Music, Chrysalis Music, Kobalt Music), *performing rights organizations* (SESAC), *radio stations* (WPNT in Pittsburgh), *live venues* (World Wrestling Entertainment), and *estates* (Bill Graham, Tasha Tudor, Bernard Lewis).

**Video:** *Movies* (Paramount/DreamWorks), *cable programs* (NBCUniversal), *product placement* (Paxson Productions), *treatments* (Burnett Productions), *soundtrack* (Warner Bros. Entertainment), *TV programs* (Televiscentro of Puerto Rico), *satellite programming* (Golden Channels Company of Israel), *DVD videos* (Steve Harvey), and *cable operations* (AT&T).

**Design, Apparel, and Art:** *Apparel* (Target Stores, Carol Anderson, Forever 21, Crew Knitwear, Joyce Leslie, Anthropologie), *architecture* (Sprint PCS, Home Design LLC, Murray Engineering, Turnkey Associates), *medical illustrations* (Pearson Education Services), *photography* (Harris Publications), *sculpture* (Marco Domo), *cartoons* (A.V. Phibes, Melissa Flock), *toys* (Jakks Pacific), and *commercial marketing* (Kaufman Global).

**Publicity Rights and Estate Valuations:** *Names and likenesses* (Reese Witherspoon, Steve Harvey, Woody Allen, Rosa Parks, Arnold Schwarzenegger, Sandra Bullock, Cameron Diaz, Diane Keaton, Zooey Deschanel, Yogi Berra), *estate valuations* (Tasha Tudor, Marlon Brando, Bernard Lewis).

**Cyberspace:** *Music services* (Apple iTunes, Napster, MP3.com), *proprietary software* (Centrifugal Force, Frogsware), *open source software* (Jacobsen v. Katzer), *electronic publishing* (Pearson), *video games* (Activision), *search engines* (eUniverse), and *domain names* (eCommerce).

**Patents and Technology:** *Semiconductors* (General Electric v. Kodak, Great Lakes v. Sakar, *cellular* (Cellebrite v. Micro Systemation), *software* (Jacobsen v. Katzer, Centrifugal Force v. Softnet), *medical technology* (Lemper v. Legacy, Graston v. Graham), *clutch components* (Nouis Technologies v. Polaris Industries), *pet topicals* (Nite Glow Industries Inc. v. Central Garden & Pet Company) and *general patents* (DeCordova v. MCG).

**Antitrust and Commercial Losses:** *Antitrust, breach of contract, and commercial injury* in actions involving Los Angeles Rams, AT&T, California Scents, Safmor, Inc., Golden Channels Company of Israel, and St. Joseph's Regional Hospital (College Station, Texas).

## **REPRESENTATIVE CLIENTS**

New York State Attorney General; New York

Fish & Richardson; Boston

Arnold & Porter; Washington

Baker & Hostetler; Cleveland

Palmer & Dodge; Boston

Hunton & Williams; Washington

Blecher & Collins; Los Angeles

Stokes Bartholomew Evans & Petree; Nashville

King & Ballow; Nashville

Frankfurt Kurnit Klein & Selz; New York

Lavelly & Singer; Los Angeles

Davis and Gilbert; New York

Cowan DeBaets Abrahams & Sheppard; New York

Taft Stettinius & Hollister; Indianapolis

Sheppard Mullin Hampton & Richter; Los Angeles

Seyfarth Shaw; Los Angeles

Connolly Bove Lodge & Hutz; Wilmington

Blackwell Sanders Peper Martin; St. Louis

Lipsitz Green Faringer Roll Salisbury & Cambria; Buffalo

## LITIGATION ENGAGEMENTS

### Media and Entertainment

*Richard Dutcher v. Bold Films LLP, et al.*, Central District of Utah, 2017, report, estimated commercial damages resulted from copyright infringement of leading screenwriter in the movie *Nightcrawlers*.

*RCN Capital, LLC, et al. v. The Los Angeles Rams, LLC, et al.*, Eastern District of Missouri, 2017, report and deposition, breach of contract regarding use of rights to **sell tickets in secondary markets**.

*Michael Skidmore v. Led Zeppelin, et al.*, Central District of California, 2016, trial testimony, copyright infringement matter regarding **the Led Zeppelin song *Stairway to Heaven***.

*Joseph Cooper v. Broderick Steven “Steve” Harvey*, Northern District of Texas, 2016, report and deposition, breach of contract matter regarding recorded films of **comedian/actor Steve Harvey**.

*Sidney Earl Swanson v. MJJ Productions*, Central District of California, 2015, report, copyright infringement matter regarding a musical composition used in a **sound recording *Chicago* by Michael Jackson**.

*Jamie Mitchel Kosse v. Universal Music Group and Kiesa Rae Ellestad*, Eastern District of New York, 2016, opinion letter, regarding a matter of **indirect copyright infringement involving street art displayed in music video**.

*Original Appalachian Artworks, Inc. v. Jakks Pacific, Inc.*, International Institute for Conflict Prevention and Resolution, 2015, report, matter involving lost sales related to breach of contract for **copyright owners of Cabbage Patch Kids**.

*Alexander Graham-Sult and David Graham v. Bill Graham Archives, LLC, et al.*, Northern District of California, 2015, valuation of copyrights and business concern resulting from fiduciary breach of the estate of **rock concert producer Bill Graham**.

*William L. Roberts (p/k/a Rick Ross), et al. v. Stefan Kendal Gordy*, Southern District of Florida, 2015, report, valuation of defendant enrichment resulting from infringement of a musical composition in a **multi-platinum release (*Party Rock Anthem*) and a Kia automobile commercial**.

*Cartagena Enterprises, Inc. v. J. Walter Thompson Co., et al.*, American Arbitration Association, 2015, report, valuation of damages resulting from infringement of prominent salsa composition in an advertising message **by the leading advertising agency and the largest bank in Puerto Rico.**

*Digital Satellite Connection v. Dish Network Corporation, et al.*, District of Colorado, 2014, report and deposition, valuation of damages resulting from **trademark infringement by national satellite provider.**

*Ron Satija and Heather Lynette Mowder v. General Automobile Insurance Company*, District Court of Northern Ohio, 2014, report, valuation of damages resulting from infringement of **cartoon character *The General* in national advertising campaign.**

*Daniel Moser v. Raymond Ayala (p/k/a Daddy Yankee), et al.*, District Court of Puerto Rico, 2014, report, valuation of damages resulting from infringing reproduction and performance rights in **Daddy Yankee's multi-platinum song *Rompe*.**

*Dan Marino v. Usher Raymond, et al.*, Eastern District of Pennsylvania, 2013, report, valuation of damages resulting from infringing reproduction and performance rights in **Usher's song *Bad Girl*.**

*Preston Asevedo v. NBCUniversal Media, et al.*, Eastern District of Louisiana, 2013, report, estimated damages for commercial artwork used on a **Syfy cable television program *Dream Machines*.**

*Ryan Lessem and Douglas Johnson v. Universal Music Group*, Southern District of New York, 2013, report and deposition, valuation of damages involving copyright infringement in **50 Cent's song *How We Do***, recorded by The Game.

*Montana Connection, et al. v. Justin Moore*, Middle District of Tennessee, 2013, report, estimated damages for infringement in **country hit song *Backwoods*** on Justin Moore's record album and concert performances.

*VMG Salsoul v. Madonna Louise Ciccone, et al.*, Central District of California, 2013, report, valuation of damages resulting from copyright infringement in **Madonna's song *Vogue*.**

*Interstar Holdings v. Truman Press*, Superior Court of California, 2011, report, matter involving valuation of commercial losses resulting from breach of contract involving **DVD movie *Dawn of the Living Dead***.

*Lutfu Murat Uckardesler, et al. v. Azteca International Corporation, et al.*, Central District of California, 2010, consultant, estimated damages resulting from infringement of treatment on internationally popular **reality television show**.

*Kernel Records Oy v. Timbaland, et al.*, Southern District of Florida, 2010, report, estimated damages resulting from copyright infringement of sound recording on multi-platinum **Nelly Furtado song “Do It.”**

*Anthony Lawrence Dash v. World Wrestling Entertainment, Inc.*, District of South Carolina, 2011, report, valuation of damages involving use of a **copyrighted song** in a **highly promoted WrestleMania event**.

*Rafael Vergara Hermosilla v. The Coca Cola Company*, Southern District of Florida, 2010, report and deposition, valuation of defendant profits resulting from infringement of song in **international advertising campaign for the World Cup**.

*Chris Lester v. U2, Apple Computer, and Universal Music Group*, Central District of California, 2009, report and deposition, estimated damages from copyright infringement involving U2’s **song *Vertigo*** used in concerts and recordings.

*Serendip LLC, et al. v. Warner Bros. Entertainment, Inc.*, Central District of California, 2009, report and deposition, estimated damages in copyright infringement on released DVD containing the **soundtrack to *A Clockwork Orange***.

*D.L. Byron v. Rascal Flatts and Disney Corp.*, Southern District of New York, 2009, report, estimated copyright damages for settlement involving infringement of classic **Pat Benatar composition “Shadows of the Night” by Rascal Flatts**.

*Evilkid Productions v. DreamWorks LLC & Paramount Pictures*, Southern District of New York, 2009, report, estimated damages and assisted settlement involving the unauthorized use of commercial art in **the hit movie *Transformers***.

*Victor Lopez v. Daddy Yankee and Universal Music*, Central District of California, 2009, consultant on damages for album track used on **multi-platinum release *Barrio Fino***.

*Charles Watt v. Dennis Butler, et al.*, Northern District of Georgia, 2009, report, estimated copyright damages involving **platinum release by rap group D4L**.

*The Jackson Sisters v. Universal Music Group*, Superior Court of the State of California, 2008, consultant, assisted classic recording act for recovery of damages for unfair trade practices in **use of legacy materials in sound recording**.

*MCS Music America, Inc., et al. v. Napster, Inc., et al.*, Central District of California, 2008, consultant to music publishers in copyright infringement matter involving limited downloads and subscription streaming by the **digital music service Napster**.

*Henry Carter v. Independent Productions, Inc., et al.*, Superior Court of Delaware, 2008, consultant, royalty dispute among members of **rock band George Thorogood and the Destroyers**.

*Bridgeport Music, Inc. v. Smelzgood Entertainment, et al.*, Middle District of Tennessee, 2007, report and trial testimony, estimated damages for unauthorized use of **George Clinton's classic composition Atomic Dog** on later infringing record album.

*TMTV Corp. v. Mass Productions, Inc.*, District of Puerto Rico, 2006, report and trial testimony, estimated damages resulting from copyright infringement of **television program** by producer and comedian Sunshine Logrono.

*Velocity Entertainment Group v. NBC Universal and Donald Trump*, 2006, Los Angeles Superior Court, Los Angeles, California, consultant, valuation of treatment used in popular **reality television show, The Apprentice**.

*Bridgeport Music, et al. v. Crited Music.*, Middle District of Tennessee, 2006, report, estimated damages for copyright infringement of **musical composition You'll Like it Too**.

*Thomas Turino, et al. v. Universal Music, et al.*, Central District of California, 2006, report and deposition, estimated damages resulting from copyright infringement in **Christina Milian's sound recording Dip It Low**.

*Bridgeport Music, et al. v. Universal Music, et al.*, Middle District of Tennessee, 2006, report and trial testimony, estimated damages for unauthorized use of three compositions and sound recordings on **Notorious B.I.G. album produced by P. Diddy.**

*TMTV Corp. v. Televiscentro de Puerto Rico, Inc.*, District Court of Puerto Rico, 2005, report, estimated damages resulting from infringement of **television program.**

*The Royalty Network, Inc., et al. v. Activision, et al.*, Central District of California, 2005, report, estimated damages for use of music on best-selling **video game Streets of Los Angeles.**

*Al Howard Productions, Inc. v. Paxson Productions*, Central District of California, 2005, report, estimated commercial damages for breach of contract involving product placements on **prominent game show, Supermarket Sweeps.**

*Mojo Music, et al., v. Walt Disney Records*, Los Angeles Superior Court, 2004, report, valued synchronization rights in **musical compositions used in Lion King 2.**

*Willie Woods v. BMG Music/Atlantic Recording Company, et al.*, Eastern District of Missouri, 2004, report, valued damages for unauthorized use of musical compositions in a **Nappy Roots' multi-platinum song "Po Folks".**

*Darryl D. Lassiter, et al., v. Twentieth Century Fox Film Corp.*, Central District of California, 2004, consultant, regarding damages due for use of unauthorized **screenplay in the movie Drumline.**

*Sharon Haygood, et al. v. Coca-Cola, et al.*, 17<sup>th</sup> District Court of Tarrant County, Texas, 2004, report and deposition, calculated professional losses for gospel artist who suffered **personal injury in automobile accident.**

*Universal Music Publishing Group v. Fitness Quest, Inc.*, Northern District of Ohio, 2003, report and deposition, estimated damages from copyright infringement of **music soundtrack in an exercise video tape.**

*Brought to Life v. MCA Records, Inc., et al.*, Southern District of New York, 2002, consultant, valued copyright damages in **Mary J. Blige song "Family Affair".**



*Michael A. Lowe v. Loud Records*, Eastern District of Pennsylvania, 2002, report, valued damages for copyright infringement in **musical track “X” produced by Dr. Dre**.

*Aimee Mann v. UMG Recordings, Inc., et al.*, Central District of California, 2002, consultant, estimated sales displacement and loss of income resulting from the **unauthorized release of compilation album**.

*Jacques Loussier v. UMG Recordings, Inc., et al.*, Southern District of New York, 2002, consultant, surveyed data regarding copyright infringement of improvisational composer **by Eminem in song “Kill You”**.

*Hamstein Music Group, et al. v. MP3.com, Inc., et al.*, Central District of California, 2002, consultant, estimated damages for multiple infringements involving **musical compositions**.

*Chrysalis Music v. MP3.com, Inc., et al.*, Central District of California, 2002, consultant, estimated damages for multiple infringements of **musical compositions**.

*Major Bob Music, Inc., et al. v. MP3.com, Inc.*, Southern District of New York, 2001, report, estimated damages for unauthorized use of **Garth Brooks’ musical catalog** by digital library service.

## **Trademarks, Trade Secrets, and False Advertising**

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*The Choice is Yours v. The Choice is Yours, et al.*, Eastern District of Pennsylvania, 2018, report, damages related to trademark infringement of **worker training program**

*Kische USA, LLC v. Ali Simsek and Jane Doe Simsek, et al.*, Western District of Washington, 2017, report. damages related to trademark infringement and unfair competition from a competing distributor of imported apparel.

*Computer Programs and Systems, Inc. et al. v. Wazu Holdings, Inc., et al.*, Southern District of Alabama, 2017, report, damages related to use of an **infringing mark in a software application**.

*VBS Distribution, Inc. et al. v. Nutrivita Laboratories, Inc., et al.*, Central District of California, report, 2017, **damages related to false advertising and unjust enrichment involving dietary supplements.**

*Mladen Pintur, et al. v. Helen Rogic, et al.*, Southern District of New York, report, 2017, **damages related to trademark infringement of business name**

*Baskim Holdings, Inc. v. Two M, Inc. d/b/a Babe's Cabaret, et al.*, District of Nevada, report and deposition, 2017, damages **related to misuse of trademarked name.**

*Healthmate International, Inc., v. Timothy W.T. French, et al.*, Western District of Missouri, report, 2016, **damages related to false advertising and unfair competition.**

*Elinor Shapiro v. Hasbro, Inc.*, Central District of California, 2016, report and deposition, **infringement of trade secrets by toy manufacturer Hasbro.**

*Milk Studios v. Samsung Electronics Co., Ltd., et al.*, Southern District of New York, 2016, report, **defense of Samsung Electronics in a trademark damage valuation.**

*JMC Restaurant Holdings, Inc., et al. v. Marcelo Pevida, Inc., et al.*, Eastern District of New York, 2016, report and deposition, defense of **trademark user in international restaurant market.**

*House of Auth, LLC v. 721 Bourbon, Inc.*, District of Connecticut, 2016, report, regarding **damages from trademark infringement of beverage**

*Events Media, Inc. v. The Weather Channel, Inc.*, District Court of New Jersey, 2015, report and deposition, trade **secret infringement by major cable network *The Weather Channel.***

*KLM & M, LLC, et al. v. VCP2 Augusta, P.C., et al.*, Southern District of Georgia, 2015, report, valuation of damages related to **trademark infringement by a medical practice.**

*Simone Kelly-Brown v. Oprah Winfrey and Harpo Productions*, Southern District of New York, 2014, report and deposition, valuation of damages resulting from a **trademark infringement by Oprah Winfrey and Harpo Productions.**

*Who Dat?, Inc. v. Who Dat Shoppe, et al.*, Eastern District of Louisiana, 2014, report, valuation of damages resulting from infringement of **trademark of major regional brand of apparel**.

*Vivid Entertainment, LLC v. Jose Baserva*, Middle District of Florida, 2014, report, valuation of damages resulting from infringement of **business name in entertainment chain**

*Benchmark Young Adult School v. Launchworks Life Services LLC*, Southern District of California, 2014, report, valuation of damages resulting from infringement of **plaintiff's business name by competing health care provider**.

*Kim, Khloe, and Kourtney Kardashian, and BOLDFACE Licensing + Branding v. By Lee Tillett, Inc.*, Central District of California, 2013, report, valuation of damages resulting from trademark infringement in **cosmetics line KROMA by the Kardashian sisters**.

*Original Gourmet Food Company, Inc. v. Jelly Belly Candy Company*, District of New Hampshire, 2013, report and deposition, regarding declaratory judgment to enforce trademark rights for **candy manufacturer**.

*East West LLC v. Caribbean Crescent, Inc.*, Northern District of Virginia, 2012, report and deposition, valuation of damages involving use of a trademark and trade name by a competitor in the **food provision business**.

*Rock and Roll Religion v. Cels Enterprises*, Central District of California, 2012, report, valuation of damages resulting from infringement of trademark in **women's apparel**.

*PML Clubs v. Gold Suit, Inc.*, Northern District of Texas, 2012, report and deposition, valuation of damages resulting from trademark infringement in the market for **adult cabaret establishments**.

*Super-Krete International v. Lafarge Group*, 2013, opinion letter, regarding trademark valuation of a **cement product** for a settlement conference between two parties.

*Kilter, Inc. v. Avon Corporation*, Southern District of New York, 2011, report and deposition, damage valuation of trademark infringement and misappropriation of intellectual property by **major cosmetics company**.

*L.A. Triumph, Inc. v. Madonna Louise Veronica Ciccone and Material Girl*, Central District of California, 2011, report, valuation of damages from a trademark infringement in **clothing line (Material Girl) owned by Madonna**.

*Miller International, Inc. v. Clinch Gear, Inc., et al.*, District of Colorado, 2010, report, valuation of damages from a trademark infringement by a designer of **martial arts apparel**.

*Golf Cart World, Inc. v. Mike's Golf Carts, Inc.*, Middle District of Georgia, 2010, report, estimated damages resulting from a trademark infringement in **golf carts and hunting carts**.

*Doctor's Associates, Inc. v. QIP Holder, LLC and IFilm, Corp.*, District Court of Connecticut, 2008, consultant, reviewed expert materials in false advertising matter **involving Subway and Quizno's**.

### **Apparel, Design, Art, and Photography**

*Neil Zlozower and Barry Levine v. Motley Crue, Inc.*, Southern District of New York, 2017, report and deposition, infringement of **copyrighted photographs of famous music group** by touring company and merchandise sellers.

*Glen Craig v. Universal Music Group, Inc. et al.*, Southern District of New York, 2017, report, **infringement of copyrighted photographs of B.B. King by record label**.

*Dana Ruth Lixenberg v. Bioworld Merchandising, Inc., et al.*, Central District of California, 2017, infringement of photos of Tupac Shakur and Notorious B.I.G. used on **apparel sold in major retail chain**.

*PK Studios, Inc. v. RLR Investments, LLC, et al.*, Middle District of Florida, 2016, report, matter involving **infringement of architectural plans** in residential development.

*Idra Alta Mode, LLC v. D'Lymer, Inc. d/b/a Edwards Lowell*, Central District of California, 2016, report, matter involving **breach of contract in furrier operations**.

*Hansel Oy v. US Department of Health and Human Services, et al.*, 2016, opinion letter, report, valuation of **copyright damages in use of designs** created by a Finnish technology company.

*Radix Textile, Inc. v. Anthropologie, Inc., et al.*, Central District of California, 2015, report, valuation of damages resulting from **copyright infringement of apparel design** by major clothing chain.

*Klauber Brothers, Inc. v. Forever 21 Retail, Inc., et al.*, Central District of California, 2015, report, valuation of damages resulting from **infringement of copyrighted apparel design** by a major apparel chain.

*Star Fabrics, Inc. v. Joyce Leslie, Inc.*, Central District of California, 2014, report, valuation of damages resulting from **infringement of copyrighted apparel design** by major retail chain.

*Ron Satija and Heather Lynette Mowder v. General Automobile Insurance Company*, District Court of Northern Ohio, 2014, report, valuation of damages resulting from infringement of **cartoon character *The General* in national advertising campaign**.

*NTD Architects v. Baker Nowicki Design Studio*, Southern District of California, 2013, report and deposition, estimated damages resulting from copyright infringement involving **architectural plans**.

*Sheila Lyons, DVM v. Robert Gillette, et al.*, District of Massachusetts, 2013, report, valuation of damages resulting from copyright infringement of **professional training materials**.

*Turnkey Associates v. Steph Weiland, et al.*, District of Iowa, 2012, report, estimated damages resulting from copyright infringement of **architectural plans** by severed employee in new professional concern.

*Murray Engineering v. Windermere Properties, et al.*, Southern District of New York, 2012, report, estimated damages resulting from copyright infringement of **architectural plans** in New York residential building.

*Home Design, LLC v. Collard Properties*, District of Colorado, 2012, report, valuation of damages and defendant profits in connection with copyright infringement of **architectural plans** in new residential development.

*U.S. Textile Printing v. Crew Knitwear, et al.*, Central District of California, 2010, report and deposition, estimated damages resulting from copyright infringement of **textile design** by retail chain.

*Melk Communications v. Pennsylvania Medical Society, et al.*, Eastern District of Pennsylvania, 2010, report, estimated damages resulting from fraud, misappropriation, and copyright infringement of **commercial marketing materials**.

*Timpco v. Implementation Services*, Southern District of Indiana, 2009, report, valuation of damages resulting from copyright infringement of **commercial marketing materials**.

*Malibu Textiles v. CABI, Inc.*, Southern District of New York, 2008, report and deposition, estimated damages for copyright infringement of **eight apparel designs**.

*Melissa Flock v. State of Florida, Division of Emergency Management*, Northern District of Florida, 2007, report, estimated damages for copyright infringement of **cartoon characters** by the State of Florida.

*Neil Zlozower v. Harris Publications, Inc.*, Southern District of New York, 2006, report and deposition, valuation of lost **photographic slides owned by famous photographer** of rock group *Metallica*.

*Vera Bradley, Inc. v. Target Stores, Inc.*, Northern District of Indiana, 2006, report, valuation of unauthorized **apparel design on swimwear** distributed by Target Stores.

*Command Cinema Corp. v. VCA Labs, Inc.*, Southern District of New York, 2006, report, estimated commercial damages resulting from the **destruction of master tapes** bearing releases of two adult movies.

*Impala Lechner v. Marco-Domo Internationales Interieur, et al.*, Southern District of New York, 2004, consultant, estimated damages for copyright infringement of **sculpture designs**.

*Core Group P.C. v. Sprint PCS*, American Arbitration Association, 2004, report and trial testimony, estimated damages for copyright infringement of **architectural plans** used in nationwide redesign of retail space operated by Sprint.

## **Technology and Cyberspace**

*Nite Glow Industries Inc., et al. v. Central Garden & Pet Company, et al.*, District of New Jersey, 2017, report and deposition, estimation of damages related to **patent infringement for pet goods products**.

*Nouis Technologies v. Polaris Industries*, W. D. Wisc., 2015, report, matter involving **patent infringement for clutch components in all-terrain vehicles**.

*Brian Lemper, M.D. v. Legacy IP, LLC*, Superior Court of Nevada, 2015, deposition, matter involving purported breach of contract in procuring **patent application for medical technology**.

*Cellebrite Mobile SyncRonzation Ltd. v. Micro Systemation AB*, Northern District of Virginia, 2014, report, estimated damages for **copyright infringement of intelligence software** designed to remove records from suspect cell phones.

*Scott E. D. Skyrn v. Newedge USA, LLC*, FINRA Dispute Resolution #12-02346, 2014, testimony, valuation of damages resulting from **copyright infringement of data format in online financial newsletter**.

*Munhwa Broadcasting Corporation v. Media Journal, Inc., et al.*, Central District of California, 2014, declaration in support of plaintiff in **anti-circumvention liability**.

*Virtual Studios v. Beaulieu Group, LLC*, Eastern District of Tennessee, 2013, report, valuation of damages involving **copyright infringement of design software** for virtual display of interior designs.

*TVB Holdings (USA), Inc. v. Tai Lake Communication, Inc.*, Central District of California, 2013, report, regarding economic harm created by **circumvention device** that breached access and copyright protection on Asian programming.

*James DeCordova v. MCG Nevada, Inc.*, Central District of California, 2012, report, valuation of damages resulting from **patent infringement for a sleep-enhancing device**.

*BanxCorp. v. Costco Wholesale Corporation, Inc., et al.*, Southern District of New York, 2012, report, valuation of damages resulting from infringing use of **compilation data** in an **online banking service**.

*Robert Jacobsen v. Matthew Katzer*, Northern District of California, 2009, report, estimated damages in landmark copyright case involving **copyright infringement of open source software** created by world-renowned Berkeley professor.

*Centrifugal Force, Inc. v. Softnet, et al.*, Southern District of New York, 2009, report, valuation of damages resulting from copyright infringement of **operations software**.

*Frogsware, Ltd. v. Viva Media, et al.*, Southern District of New York, 2009, consultant, assisted video game designer for recovery of damages resulting from a breach of contract and copyright infringement of **video game software**.

*Carpal Therapy, Inc., and David Graston v. Jennifer Graham, Esq.*, Marian County Superior Court of Indiana, 2008, report and deposition, estimated commercial losses for inventor of **medical technology** for loss of rights to intellectual property.

*Great Lakes Intellectual Property, Ltd. v. Sakar International, Inc.*, Western District of Michigan, 2006, report, valuation of reasonable royalties for patent infringement in a **graphical user interface chip**.

*Frederic H. Martini v. Pearson Education Services*, Northern District of California, 2005, report, estimated damages for website infringements of prominent illustrator by leading **publisher of medical books**.

*Sandi Gray, et al. v. eUniverse, Inc., et al.*, Eastern District of Texas, consultant, 2004; valuation for copyright infringement by **digital provider of shared content**.

*General Electric v. Kodak*, 2002, consultant, assisted General Electric in valuation of **semiconductor portfolio in patent infringement matter**.

*RIAA v. MP3Board*, Southern District of New York, 2001, report and deposition, involving the **economic effects of search engines** that post links to infringing material.



*Universal City Studios, Inc., et al. v. Eric Corley*, Southern District of New York, 2000, report and trial testimony, regarding economic effects of decrypting protective code established to protect copyrighted digital works.

## **Publicity Rights**

*Edmondson et al. v. Caliente Resorts, LLC, et al.* Middle District of Florida, 2016, report and deposition, valuation of damages resulting from use of **name and image of celebrity models** by adult resort.

*Reese Witherspoon v. Marketing Advantages International*, Superior Court of California, 2015, report, valuation of damages involving use of **name and image of actress Reese Witherspoon** in connection with online retailer.

*Jason Lezak v. Active Network*, Superior Court of California, 2015, report, valuation of damages involving use of **image of Olympic swimmer Jason Lezak** in connection with online software application

*Sandra Bullock v. ToyWatch USA*, Superior Court of California, 2013, opinion letter, valuation of damages involving use of **image of actress Sandra Bullock** in a commercial website for apparel accessory.

*Zoey Deschanel v. Steve Madden, et al.*, Superior Court of California, 2011, report and deposition, valuation of publicity rights of **actress Zoey Deschanel** used in line of women's shoes.

*Michelle Pfeiffer, et al. v. CompUSA*, Superior Court of California, 2011, report, valuation of **publicity rights of Sandra Bullock, Michelle Pfeiffer, Diane Keaton, Mandy Moore, Cameron Diaz, and Kate Hudson** in retail advertisements .

*Woody Allen v. American Apparel, Inc.*, Southern District of New York, 2009, consultant in valuation of reasonable damages in publicity rights of **movie director Woody Allen** used on urban billboards .

*Evgeni Petrosyan v. DIRECTV, Inc.*, Eastern District of New York. 2009, consultant regarding damages for infringement of publicity rights of **comedian Evgeni Petrossian** by satellite network.

*Arnold Schwarzenegger and Oak Productions, Inc. v. Recycled Paper Greetings, Inc., et al.*, Superior Court of California, 2005, report, estimated damages in publicity rights case involving greeting card merchandise bearing **image likeness of Arnold Schwarzenegger**.

*Lawrence “Yogi” Berra v. Turner Broadcasting System*, Superior Court of New York, 2005, consultant, valued publicity rights case involving the unauthorized use of **personal name Yogi Berra** in citywide advertising campaign.

*Rosa Parks v. BMG Music/Laface Records, et al.*, Eastern District of Michigan, 2004, deposition, valued publicity rights involving use of **celebrity name Rosa Parks** in a BMG album bearing the name and track *Rosa Parks*.

*Melina Kanakaredes v. Ouidad, Inc.*, Eastern District of Ohio, consultant, 2004; publicity rights case involving damages resulting from magazine articles bearing **actress name Melina Kanakaredes**.

## **Private Valuations of Intellectual Property**

*Juarez Foods*, 2015, trademarks now controlled by Wise Foods, Atlanta.

*Tom Binns Design, LLC*, 2015, **trademarks and copyrights controlled by the international jewelry concern Tom Binns Design, LLC**.

*The Domain Names of eCommerce, IX Web Hosting, and Host Excellence*. 2012, **domain names and websites** owned by *online business*.

*The Estate of Tasha Tudor*, 2009, valued the worth of **publishing royalties due to the estate of renowned author and illustrator**.

*New York Observer*. 2008, **domain name of political blog**.

*Greens Today*, 2006, **trademarks for greens health product**.

*Bernard Lewis*, 2005, future **publishing royalties** due to Princeton professor and writer of twenty four books on politics and history.

*Estate of Marlon Brando*. 2005, consultant, valued worth of the Marlon Brando **name for estate purposes**.

## **Commercial Losses and Personal Injury**

*Jakks Pacific, Inc. v. Wicked Cool Toys, LLC and Jeremy Padawer*, Supreme Court of the State of New York, 2017, report and deposition, valued commercial losses resulting from breach of contract and tortious interference.

\ *Pansy Harris-Lane, M.D. v. Jersey City Medical Center, et al.*, Superior Court of New Jersey, 2017, report, valued professional damages resulting from disputed termination

*Hasan Khushaim v. Tullow Inc.* Superior Court of the State of Delaware, 2017, report, valued actual damages resulting from breach of contract regarding software design.

*Anti-Aging Essentials v. Brian T. Must, et al.*, Court of Common Pleas of Allegheny County, 2016, report, valued commercial losses resulting from **manufacturing malfeasance**.

*DeMartino v. Belleville Board of Education*, Superior Court of New Jersey, 2014, consultant, assisted defense counsel for courtroom preparation against plaintiff expert in **wrongful termination case**.

*Deborah Rollins and Luke Randall v. Sunrise Village, LLC*, Superior Court of New Jersey, 2013, report, examined economic losses resulting from **property negligence**.

*Crystal Evans v. Meadowlands Hospital*, Superior Court of New Jersey, 2012, report and testimony, examined economic losses resulting from **medical malpractice**.

*Christine Delurski v. Chester Stone, M.D.*, Superior Court of New Jersey, Morris County Court, 2012, report, estimated economic losses resulting from **wrongful death**.

*Carl Lawson v. K2 Sports U.S.A., et al*, Superior Court of New Jersey, Monmouth County Court, 2012, report, estimated economic losses resulting from **personal injury**.

*Peter Piegdon v. H&S Bakery*, Superior Court of New Jersey, Middlesex County Court, 2007, report and deposition, calculated economic losses from **automobile accident**.

*Dash Artist Management and Dash Entertainment Management v. Ruben Gomez, et al.*, Southern District of Texas, 2004, report, calculated commercial losses for music manager arising from **breach of contract**.

*Florencia Flores, et al. v. Parkchester Preservation Company, et al.*, New York Superior Court, 2004 report, examined economic losses suffered by domestic worker from **on-the-job injury**.

*Safmor, Inc. v. Ministers, Elders, & Deacons of the Reformed Protestant Dutch Church of City of New York*, New York Superior Court, 2005, report and deposition, calculated **commercial losses** for New York business foreclosed from use of its storefront sign.

*Sharon Haygood, et al. v. Coca-Cola, et al.*, 17<sup>th</sup> District Court of Tarrant County, Texas, 2004, report and deposition, calculated economic losses for gospel artist who suffered from **personal injury**.

## **Antitrust**

*American Home Realty Network v. Edina Realty*, District of Minnesota, 2014, report, examined antitrust liability involving **group boycott of an online realty referral service**

*Royal Benson, M.D. v. St. Joseph Regional Health Center*, Central District of Texas, 2006, report and deposition, examined antitrust liability for **vertical restraints in hospital admissions**.

*United Magazine Company, Inc. v. Murdoch Magazine Distribution, Inc., et al.*, Southern District of New York, 2004, report and deposition, examined antitrust damages **in price discrimination matter involving magazine distributors**.

*The Coalition for a Level Playing Field v. Autozone, Inc., et al.*, Eastern District of New York, 2003, report and trial testimony, examined antitrust damages **in price discrimination matter involving auto part retailers**.

*AT&T Corp. v. Winback and Conserve Program, Inc., et al.*, New Jersey District Court, 2003, consultant, calculated commercial losses suffered by third party telecom provider for **improper termination of AT&T wholesale service**.

*California Scents v. Medo Industries, Inc.*, Central District of California, 2002, report, examined antitrust liability in matter involving the **anticompetitive use of slotting allowances** in retail outlets.

*Prime Communications, Inc. v. AT&T Corp.*, Eastern District of Massachusetts, 2002, report and deposition, examined liability in antitrust lawsuit involving **vertical restraints in access to cable advertising**.

*The Intimate Bookshop, Inc. v. Barnes and Noble, Inc., et al.*, Southern District of New York, 2001, report and deposition, examined economic issues in antitrust suit involving **price discrimination in book retailing**.

*SESAC v. WPNT*, Western District of Pennsylvania, 2001, report and deposition, antitrust case involving the economic consequences of **blanket licensing of musical compositions**.

*Nobody in Particular, Inc. v. Clear Channel, Inc.*, District of Colorado, 2001, consultant, antitrust case involving advertising restrictions enforced by a **radio station against a competing concert promoter**.

*State of Florida, et al. v. BMG Music, et al.*, District of Maine, 2001, consultant, antitrust case involving the **anti-competitive effects of minimum advertising pricing rules** established by five major record companies.

*Golden Channels Company, et al. v. Director General of the Antitrust Authority*, The Court of Trade Restrictions, Tel Aviv, Israel, 2000, report, case involving **vertical licensing restrictions on content of Sony, Warner, and Paramount**.

## **PUBLISHED BOOKS**

[Media, Technology, and Copyright: Integrating Law and Economics](#), Edward Elgar, 2004

## ARTICLES AND CHAPTERS

See also [http://mediatechcopy.com/?page\\_id=71](http://mediatechcopy.com/?page_id=71)

[Reasonable Royalties in Patent Litigation: Methods, Evidence, and Experts](#), presented at Knowledge Group Webinar, March 22, 2017.

[First Sale Rights at SCOTUS: \*Kirtsaeng v. John Wiley & Sons\*](#), [Journal of the Copyright Society](#), Spring, 2016.

[Copyright, Causality, and the Courts](#), [Journal of the Copyright Society](#), Winter, 2015.

[The ASCAP and BMI Consent Decrees: Is Partial Withdrawal Wise?](#), [Journal of the Copyright Society](#), Fall, 2014

[Copyright, Causality, and Statutory Reform](#), [Landslide](#), January-February, 2013-2014.

[Gorillas in our Midst: Searching for King Kong in the Music Jungle](#), [Journal of the Copyright Society](#), Winter, 2007.

[Patent Reform and Infringement Damages: Some Economic Reasoning](#) [IP Lawyer](#), December, 2007; new version at [Patents and the Entire Market Value Rule](#).

[Copyright Settlement Strategies from a Damages Expert](#), [GPSOLO](#), September, 2008.

[Expediting the Settlement: The Use of an Expert](#), [Entertainment and Sports Lawyer](#), October, 2007.

[How Advertising and Peer to Peer are Transforming Media and Copyright](#), [Journal of the Copyright Society](#), Spring, 2007.

[Copyright at a Crossroads, Again!: The Copyright Modernization Act](#), [Entertainment, Arts, and Sports Law Journal](#), December, 2006.

[Swords Into Plowshares: A Convergence of Interests in P2P](#), [Entertainment and Sports Lawyer](#), Summer, 2006.

[Publicity Rights, Merchandise, and Economic Reasoning](#), [Entertainment and Sports Lawyer](#), March, 2006.

[Canadian Quandary: Digital Rights Management, Access Protection, and Free Markets](#), Progress on Point 3:12, Progress and Freedom Foundation, May, 2006.

“File-Sharing at Madison and Vine: The New Convergence”, [Century City Lawyer](#), December, 2005.

“File-Sharing and Market Harm”, [Entertainment, Arts, and Sports Law Journal](#), July, 2005.

[Transactions Costs and Administered Markets: The Case of Music Performance Rights](#), [Review of Economic Research in Copyright Issues](#), 3 (1), 37, 2006.

[Grokster v. Sony: The Supreme Court's Real Decision](#), [Entertainment and Sports Lawyer](#), Summer, 2004.

“Peer-to-Peer Networking and Digital Rights Management: How Market Tools Can Solve Copyright Problems” (with Bill Rosenblatt), [Journal of the Copyright Society](#), Winter, 2005.

[Music, Mantras, and Markets: Facts and Myths in the Brave New World](#), [Entertainment, Arts, and Sports Law Journal](#), Winter, 2004.

“Music in the Crucible: A Year in Review”, [Entertainment and Sports Lawyer](#), Summer, 2004.

[Digitization and its Discontents: Digital Rights Management, Access Protection, and Free Markets](#), [Journal of the Copyright Society](#), Spring, 2004.

[Whose Song is it Anyway?: Infringement and Damages in Musical Compositions](#), [Entertainment and Sports Lawyer](#), Spring, 2004; new version at [Damage Valuation in Music Copyright](#)

[Vertical Merger in a High Tech Industry: Synopsis, Avant!, and the FTC](#), 2 [Economics Committee Newsletter of the American Bar Association](#) 2, 2002.

[Tying, Patents, and Refusal to Deal: Economics at the Summit](#), 2 [Economics Committee Newsletter of the American Bar Association](#) 1, 2002.

[Intellectual Property and Antitrust: Music Performance Rights in Broadcasting](#), [Columbia Journal for Law and the Arts](#), 2002.

“Keep Off My Privacy: How Sweet the Sound?”, [Bright Ideas](#), 2002.

[Purple Beasts and Lewd Tunes: Economic Reasoning and Copyright](#), [Entertainment, Arts, and Sports Law Journal](#), 2002.

“How to Cure Performance Anxiety”, 13 [Entertainment, Arts, and Sports Law Journal](#), 2\_Summer, 2002.

“Traffic Jam on the Music Superhighway: Is it a Reproduction or a Performance?”, [Journal of the Copyright Society](#), 2002 (with Lewis Kurlantzick).

[Miss Scarlett’s License Done Gone: Parody, Satire, and Economic Reasoning](#), 20 [Cardozo Arts and Entertainment Law Journal](#) 4, 2002.

[Copyright, Prevention, and Rational Governance: File-Sharing and Napster](#), [Columbia Journal for Law and the Arts](#), 2002.

“Internet Television and Copyright Licensing”, 20 [Cardozo Arts and Entertainment Law Journal](#) 2, 2002.

[Old Friends: ASCAP and DOJ Reach a New Consent Decree](#), [Entertainment and Sports Lawyer](#), 2002.

“Digital Rights Management and Access Protection” in [Proceedings of the ALAI Congress: June 13-17, 2001](#), J. Ginsburg, ed., Columbia University, 2002.

Digitalization’ and the Arts”, [Handbook of Cultural Economics](#), Ruth Towse, ed., Edward Elgar Publishing Ltd., 2002.

[Internet TV and Copyright Licensing: Balancing Cents and Sensibility](#), [Internet Television](#), ed. D. Gerbarg, E. Noam, J. Groebbel, Lawrence Erlbaum Publishers, Mahwah, NJ, 2002.

“Music Licensing in the Digital Age”, [Copyright in the Cultural Industries](#), Ruth Towse, ed., Edward Elgar Publishing Ltd., 2002.

[Search and Destroy: How to Tame a Spider](#), [IPL Newsletter](#) 1, 2001.



“Biting the Hand that Feeds”, Century City Lawyer, November, 2001, with Duncan Cameron.

“Interpreting Amended ASCAP Consent Decree: More Options to Avoid Blanket Royalties”, Entertainment Law and Finance, October, 2001.

## **UNPUBLISHED ARTICLES**

[Reasonable Royalties in Patent Litigation: Methods, Evidence, and Experts](#)

[Trademarks and Financial Remedies: Standards in the Common Law](#)

[Trademark Valuation and Market Analysis](#)

[Pharmaceuticals and Compulsory Licensing](#)

[Trademarks, Injunctions, and \*eBay v. MercExchange\*](#)

[Publicity Rights and Rational Valuation](#)

[Art as Innovation: “The Wind Done Gone” Case](#)

[Market Imperfection and Failed Governance: The Case of Music Performance Rights](#)

[Information Transfer in Cyberspace: Popups, Keying, and Privacy](#)

[Copyright Settlement Strategies from a Damages Expert](#)

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