

# INTELLECTUAL PROPERTY DISPUTE SERVICES

**BDO CONSULTING ASSISTS LAW FIRMS AND ORGANIZATIONS WITH THE DISCOVERY, DAMAGES ANALYSIS, TESTIMONY AND CASE STRATEGY STAGES OF INTELLECTUAL PROPERTY (IP) LITIGATION, FOR BOTH PLAINTIFFS AND DEFENDANTS.**

Our seasoned professionals have a broad range of complementary skills and certifications with significant experience in IP dispute issues across an array of industries. As a result, we understand the types of records prepared by organizations and the analytic methods necessary to advise clients on a variety of IP dispute matters.

Successful resolution of IP disputes requires an understanding of the issues litigants face as a result of an alleged infringement, the dynamics of the relevant industry, as well as the effects of a rapidly changing technology marketplace.

BDO Consulting's approach to IP disputes focuses on the specific facts of each case within the context of IP management and damages theory.

Key benefits of BDO Consulting's IP Dispute Services include financial consulting and valuation for damages in all phases of litigation, as well as IP risk analysis, litigation support and expert witness services, all of which are performed by staff with significant experience in IP and supported by an accounting firm with international capabilities.



Our team of seasoned professionals understands IP protection and enforcement issues and possesses a depth of experience with IP dispute matters, including:

- Utility and design patent infringement
- Trademark infringement
- Trade dress infringement
- Copyright infringement
- Theft of trade secrets

## ► OUR SERVICES

The areas we address vary according to the facts of each case and may include:

### Discovery

- Assistance with developing and responding to requests for production and interrogatories relating to damages
- Assistance with depositions of fact and opinion witnesses relating to damages
- Research on market issues including industry trends, company market share, availability of resources and selling capabilities
- Review of documents produced by the litigants to identify those relevant to an opinion on damages

### Damages Analysis

- Estimation of lost profits and/or reasonable royalties in utility patent infringement
- Quantification of the alleged infringer's profits in design patent infringement, trademark infringement or theft of trade secrets matters
- Analysis of the support for other areas of damages including price erosion, conveyed sales and early market entry
- Review and critique of damages analyses proffered by opposing counsel, including input to potential Daubert motions

### Testimony

- Providing deposition and trial testimony on the theoretical approach, foundation and specific quantification of damages
- Assistance with preparation for potential areas of cross-examination
- Development of trial exhibits
- Support for motions regarding preliminary injunction or commercial success of the patented technology

### Case Strategy

- Analysis of potential outcomes for evaluation of settlement offers, allocation of resources and other management needs
- Assistance with presentations to corporate management regarding case issues, potential damages outcomes and expenditures
- Assistance to counsel with development of cross-examination and arguments relating to damages
- Evaluation of the capabilities and potential demands of non-practicing entities

### National Accounting Firm

As a division of a national accounting firm, BDO Consulting is the right choice for our clients' litigation needs due, in part, to our technical accounting resources. We maintain national departments to review and interpret the latest accounting pronouncements issued by a range of regulatory authorities. Our professionals have the opportunity to consult with the BDO National Assurance and SEC practices regarding complex accounting and auditing issues, including those relating to IP and other intangible assets.

### International Presence & Capability

As a division of BDO USA, LLP, the U.S. Member Firm of BDO International Limited, BDO Consulting is able to deploy resources wherever needed, with access to BDO Member Firms around the globe. Our professionals have successfully completed engagements utilizing resources from the BDO international network in various locations including North America, South America, Europe, Asia and other parts of the world.

## ► MULTIDISCIPLINARY, EXPERIENCED PROFESSIONALS

BDO Consulting professionals include certified public accountants, certified fraud examiners, accredited business valuers, former law enforcement professionals, chartered financial analysts, professional engineers and former controllers and financial officers at large corporations. Our professionals also have significant financial and operational experience with organizations in a variety of industries, such as:

- Energy
- Financial Services
- Healthcare
- Pharmaceuticals and Biotechnology
- Not-for-profit
- Manufacturing and Distribution
- Entertainment
- Real Estate
- Retail and Consumer Product
- Technology

## CONTACT:

For more information about our IP Dispute Services, please contact us at 888-236-4449 or [intellectualproperty@bdo.com](mailto:intellectualproperty@bdo.com).

BDO Consulting provides litigation, investigation, business restructuring and risk advisory services to clients in the United States and internationally. Our highly experienced and well-credentialed professionals leverage the global industry and accounting knowledge of the BDO international network, providing rapid, strategic advice to assist our clients.

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