

## PROFILE

Doug Bania is a founding principal of Nevium Intellectual Property Solutions. Nevium is an intellectual property consulting firm specializing in the management, valuation and monetization of IP. Mr. Bania is a Certified Licensing Professional (CLP) with over a decade of expertise in intellectual property valuation, profit apportionment and expert witness damages testimony. Mr. Bania has been the named expert for 40+ cases, deposed nine times and has provided trial testimony five times.

Mr. Bania specializes in analyses for copyright, trade dress and trademark infringement, publicity rights, social media and Internet infringement, defamation, marketing strategy analyses and royalty rate determinations. Mr. Bania also provides valuations and monetization strategies for trademarks, publicity rights, domain names, Internet and social media assets, brands and copyrights for financial reporting, bankruptcy and transactional due diligence.

## EXPERT WITNESS HISTORY

The Julia Child Foundation for Gastronomy and the Culinary Arts v. Airbnb, Inc., Superior Court of the State of California for the County of Santa Barbara, Case No. 16CV02626. **Right of Publicity & SEO**, Expert Report & Mediation Testimony, 2016

Unicolors, Inc. v. Kohl's Department Stores, Inc.; Fashion Life Inc.; Jes Apparel, L.L.C., USDC Central District of California, Case No. 2:16-cv-00393-RGK-SS. **Copyright**, Expert Report, 2016

Christopher Gordon v. Drape Creative, Inc.; Papyrus-Recycled Greetings, Inc., USDC Central District of California, Case No. CV 15-04905 JFW (PLAx). **Trademark**, Expert Report, 2016

Timed Out, Inc. vs. Crazy Horse, Inc., Superior Court of the State of California, County of San Francisco – Civic Center Courthouse, Case No. CGC-15-547904. **Right of Publicity & SEO**, Expert Report, 2016

Adobe Systems Incorporated v. A&S Electronics, Inc., dba Trustprice; Alan Z. Lin; et. al., USDC Northern District of California Oakland Courthouse, Case No. 4:15-cv-02288-SBA. **Trademark & Copyright**, Expert Report, 2016

Ronald Greenspan, D.D.S. v. Mary Polomares, Randolph F. Alexander, D.D.S., M.S. and Leslie Alexander, Superior Court of the State of California County of San Diego – Central Division, Case No. 37-2014-00029393-CU-DF-CTL. **Defamation & SEO**, Expert Report & Deposition, 2016

Nina Pham v. Texas Health Resources, Inc., District Court of Dallas County, Texas 68th Judicial District, Cause No. DC-15-02252. **Right of Publicity & SEO**, Expert Report & Deposition, 2016

Christopher Gordon v. Drape Creative, Inc.; Papyrus-Recycled Greetings, Inc. USDC Central District of California, Case No. CV 15-04905 JFW (PLAx). **Trademark**, Expert Report, 2016

Adobe Systems Incorporated v. David Far, aka Davit Far, doing business as AllMacDirect, USDC Central District of California, Case No. CV15-06192 AB AJW. **Trademark & Copyright**, Expert Report, Deposition, 2016

Mark Spitz v. New Vitality LLC, NAC Marketing Company, Superior Court of California County of Los Angeles, Case No. SC121977. **Right of Publicity & SEO**, Expert Consulting, 2016

Global Tobacco, LLC vs. R.K. Co., dba Cigar Cartel, USDC Central District of California Western Division, Case No. 2:15-CV-05227. **Trade Dress**, Expert Report, 2016

Ryoo Dental, Inc. v. Thomas D. Han DMD, dba Beach Dental Care, USDC Central District of California, Southern Division, Case No. 8:15-cv-00308-JLS-RNB. **Copyright & SEO**, Expert Report, 2016

Joel Zimmerman p/k/a "deadmau5" and Ronica Holdings Limited vs. Play Records, Inc., Ontario Superior Court of Justice, Court file No. CV-15-539129. **Trademark & Copyright**, Expert consulting, 2016.

Reese Witherspoon v. Sears Holdings Management and Sears Brands LLC, et al., Case No. SC120883, Superior Court of the State of California, County of Los Angeles, West District. **Right of Publicity & SEO**, Expert Report, 2016

Reese Witherspoon v. LNT Acquisition LLC, et al., Case No. SC120883, Superior Court of the State of California, County of Los Angeles, West District. **Right of Publicity**, Expert Report, 2016

Pharrell Williams, et al. v. Bridgeport Music, Inc., et al., Case No. CV13-06004-JAK (AGRx), USDC, Central District of California, Western Division. **Copyright**, Expert Report, Deposition and **Trial Testimony**, 2015

Markwins Beauty Products, Inc. v. Krystal Ball Productions, Inc. and Fergie Duhamel, Arbitration, Pasadena, CA. **Right of Publicity**, Expert Report, 2015

Stone Creek, Inc. vs. Omnia Italian Design, Inc., Case No. CV-13-00688-PHX-DLR, USDC, District of Arizona, **Trademark & SEO**, Expert Report, Deposition and **Trial Testimony**, 2015

Unicolors, Inc. v. Urban Outfitters, Inc., dba Free People; Century 21 Department Stores, LLC, Case No. CV14-1029 SJO (VBK) USDC, Central District of California, **Copyright**, Expert Report and **Trial Testimony**, 2015

Matthew C. Morin v. Cindy Marabito, Case No. RG14747850, California Superior Court, Alameda County. **Defamation**, Expert Consulting, 2015

Richard Guthrie v. Hobby Lobby Stores, Inc., Case No. 1:15-cv-00195-WDQ, United States District Court, District of Maryland. **Copyright**, Expert Consulting, 2015

Scott Ehredt vs. Medieval Knights, LLC, Case No. BC530275, Superior Court for the State of California, County of Los Angeles, **Right of Publicity**, Expert Report, 2015

Radix Textile, Inc. v. Anthropologie, Inc., Case No. CV14-04272-BRO (EX), USDC, Central District of California, **Copyright**, Expert Report, 2015

Unicolors, Inc. v. Urban Outfitters, Inc., dba, Free People, Case No. 2:14-cv-03217-R-AGR, USDC, Central District of California, **Copyright**, Expert Report, 2014

The Pond Guy, Inc. et al. v. Aquascape Designs, Inc., et al., Case No. 2:13-cv-13229-NGE-DRG, USDC, Eastern District of Michigan. **Trademark & SEO**, Expert Report, Deposition and **Trial Testimony** 2014

Bruce L. Lamb, dba Lamb Productions U-Tile It Videos v. Floor and Decor Outlets of America, Inc., Case No. 3:13-cv-00390-JAH-BLM, USDC, Southern District of California. **Copyright**, Expert Consulting, 2014

Reese Witherspoon v. Marketing Advantages International, Inc., et al., Case No. SC120883, Superior Court of the State of California, County of Los Angeles, West District. **Right of Publicity & SEO**, Expert Report, 2014

Jason Olive vs. General Nutrition Centers, Inc., Case No. BC482686, Superior Court for the State of California, County of Los Angeles. **Right of Publicity**; Expert Consulting, 2014

Amini Innovation Corporation vs. McFerran Home Furnishings, Inc., Case No. CV13-06496-RSWL(SSx), USDC, Central District of California. **Trade Dress and Copyright**, Expert Report, 2014

One Beacon Insurance Company v. National Casualty Company, Case No. CV 06342-550-JC, USDC, Central District of California. **Copyright**; Expert Opinion, 2014

Star Fabrics, Inc. vs. Joyce Leslie, Inc., N.Y. Invasion Inc., Myletex International, Inc., Case No. 13-CV-02771-CAS, USDC, Central District of California – Western Division. **Copyright**; Expert Report, 2014

Cengage Learning, Inc., et al., United States Bankruptcy Court Eastern District of New York. **Copyright**; Expert Opinion and Rebuttal Opinion regarding valuation of higher education textbook copyrights on behalf of the Second Lien Indenture Trustee in Chapter 11 bankruptcy cases, 2014

The Julia Child Foundation for Gastronomy and the Culinary Arts v. DGWB Advertising and Communications, Case No. 8:12-CV-1402SJO, USDC, Central District of California. **Right of Publicity & SEO**; Expert Report and Deposition, 2013

United Fabrics International, Inc. vs. G-III Apparel Group, LTD; dba Wilsons Leather; Mcklein Company, LLC, USDC, Central District of California. **Copyright**; Expert Report, 2013

David Wolfe, v. Sunfood, LLC, et al.; Case No. 37-2011-00066729-CU-CO-CTL, Superior Court of the State of California for the County of San Diego. **Right of Publicity**; Deposition, 2013

Brady Industries, LLC v. Waxie's Enterprises, Inc., 2:12-cv-00777-PMP-VCF, USDC, District of Nevada. **Copyright**; Expert Report and Deposition, 2013

Rawlings Sporting Goods Company, Inc., v. Wilson Sporting Goods, 4:12-cv-01204-01204, USDC, Eastern District of Missouri. **Trademark**; Expert Opinion, 2013

Rebel Media, No Good Entertainment v. Jay Vir, No Good Digital; CV12-04602-R-JC, USDC, Central District of California, Western Division. **Trademark & YouTube SEO**; Expert Opinion, 2013

Marona Photography, Inc. v. Los Altos Boots, Wild West Boots. 12-CV-00163-WYD-MJW, USDC, District of Colorado. **Copyright**; Expert Report, 2012

Ricky D. Ross v. William Leonard Roberts, II; CV10-4528-PA (RZx), The USDC, Central District of California, Western Division – Los Angeles. **Right of Publicity**; Rebuttal Opinion, 2012

L.A. Printex Industries, Inc. v. Macy's Retail Holdings, Inc., et al.; CV09-3978 DSF (AJWx), USDC, Central District of California. **Copyright**; Expert Report, 2011

John Frederick Dryer, et al. v. National Football League; 0:09-cv-02182-PAM-AJB, USDC, District of Minnesota. **Right of Publicity**; Expert Opinion, 2009

## EDUCATION & CERTIFICATION

**Certified Licensing Professional (CLP)**; 2011

**San Diego State University**; Masters, Television, Film, New Media Production; 2000

**San Francisco State University**; Bachelor of Arts, Cinema; 1997

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<b>EMPLOYMENT EXPERIENCE</b>	<p><b>Nevium Intellectual Property Solutions;</b> San Diego, CA; 2012 – present Founding Principal: Provide IP management, licensing and valuation services</p> <p><b>CONSOR Intellectual Asset Management;</b> La Jolla, CA; 2002 – 2012 Principal: Managed client &amp; firm relations and provided expert witness services</p> <p><b>Independent Film Producer;</b> Los Angeles, CA; 2000 – 2003 Producer for two award winning short films: Boundaries and Passing Through.</p>
<b>ASSOCIATIONS &amp; MEMBERSHIPS</b>	<p>Licensing Executives Society (LES), San Diego Chapter Chair (2013 - 2014)</p> <p>International Trademark Association (INTA)</p> <p>International Trademark Association (INTA) Internet Committee (2016 -2017 term)</p> <p>ICANN Compliance and Domain Name Industry Subcommittee (2016 -2017 term)</p> <p>Licensing Industry Merchandisers' Association (LIMA)</p> <p>American Bar Association (ABA), Section of Intellectual Property Law</p> <p>American Bar Association (ABA), Copyright &amp; Social Media Committee</p>
<b>PUBLICATIONS &amp; PRESENTATIONS</b>	<p>“Non-Traditional Marks and the Traditional Practice” Luncheon Table Topic for the International Trademark Association (INTA), San Diego, CA, February 2017</p> <p>The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in Calculating Economic Damages in Intellectual Property Infringement Cases book by Business Valuation Resources (BVR), October 2016</p> <p>“Misuses of IP Over the Internet: Searching for Value.” Business Valuation Resources (BVR) Special Series Webinar: The Comprehensive Guide to Economic Damages, July 2016</p> <p>“The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Lost Profits and Other Commercial Damages book by Business Valuation Resources (BVR), May 2016</p> <p>“Brand Valuation and Techniques” presented at the Conference on Brand Valuation; University of New Hampshire School of Law and The Franklin Pierce Center for Intellectual Property. Concord, New Hampshire, April 2016</p> <p>“Valuation and Damages Calculations in Cases Involving Internet IP Infringement and Defamation.” NACVA Webinar Series, April 2016</p> <p>“Brand Due Diligence: Tools and Techniques for Supporting Successful Brand Driven Transactions” Luncheon Table Topic at the International Trademark Association (INTA) Annual Meeting, Orlando, FL, May 2016</p> <p>“Employing Internet and Social Media Analytical Tools in Valuation and Damages Calculations” Featured Presenter at the NACVA and the CTI’s 2016 Annual Conference. San Diego, CA, June 2016</p> <p>“Apportioning Copyright Damages: The Case of Blurred Lines” published in the Journal of Intellectual Property Law and Practice, Vol. 10, No. 12, November 2015</p> <p>“Intellectual Property Valuation: Methodologies and Case Studies” presented at the American Society of Appraisers (ASA), San Diego Chapter monthly meeting, San Diego, 2015</p>

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“Blurred Lines or Fuzzy Math: How Did They Come Up with \$7.3 Million or was it \$5.3 Million? – Damage Calculations in the Music Industry, New York State Bar – Entertainment Business Law Seminar in Association with CMJ Music Marathon, New York, 2015

“Internet Analytic Tools for Brand Valuation, Damages and Defamation” Luncheon Table Topic at the International Trademark Association (INTA) 2015 Annual Meeting, San Diego, CA

“Valuation and Damages Calculations in Cases Involving Internet IP Infringement and Defamation” presented at the NACVA and the CTI’s 2015 Annual Conference, June 2015

“How to Calculate Damages for Internet and Social Media Infringement” presented at the 36th Annual BAA/PMA Marketing Law Conference, 2014

“Calculating Damages from Internet IP Infringement and Defamation” presented at the Internet Law Leadership Summit, 2014

“Estimating and Managing the Economic Impact of Brand Disparagement” published in the World Trademark Review, 2014

“SFIA Legal Task Force Series: Intellectual Property Litigation & Valuation” presented to the Sports & Fitness Industry Association members, 2013

“Copyright Valuation and Damages: Different Tools for Different Challenges” presented to The State Bar of California, Intellectual Property Law Section, 2013

“Key Concepts in Intellectual Property Valuation” presented to various law firms, 2012

“Intellectual Property Valuation,” presented to various law firms, 2011

“Valuing Your Brand for Sale or Securitization”, presented to LIMA members, 2011

“Valuing the Intangible: Where to Start? The Full Family of Intellectual Property and Other Intangibles,” CLE presented to various law firms, 2010

“Valuation, Licensing, Damages and Expert Witnesses,” CLE presented to various law firms, 2009

“Brand Leverage and Valuation” presented to various corporations, 2008

“Deceptive Product Endorsement: Unauthorized Use of a Celebrity’s Name and Likeness,” published in Total Licensing Magazine, 2006