

## Short Biography

Keith Mallinson is founder of [WiseHarbor](#), providing expert commercial consultancy since 2006 to technology and services businesses as well as multilateral organizations such as the 3<sup>rd</sup> Generation Partnership Project (3GPP) and the GSM Association (GSMA) in wired and wireless telecommunications and applications serving consumer and professional markets. He is a [regular columnist](#) with [Wireless Week](#), [FierceWireless Europe](#) and [IP Finance -- "where money issues meet intellectual property rights"](#).

Mallinson led Yankee Group's global Wireless/Mobile research and consulting team as Executive Vice President, based in Boston, from 2000 to 2006. His responsibilities also included consumer media and enterprise communications. Until then, he had overall responsibility for the firm's European division, based in London, as Managing Director from 1995 until 2000. He was the European Research Director prior to 1995.



Mallinson has 25 years experience in the telecommunications industry, as research analyst, commercial consultant and as a testifying expert witness. Complementing his industry focus, he has a broad skill set including technologies, market analysis, regulation, economics and finance. He has published numerous reports and speaks publicly at industry events such as the leading Mobile World Congress and CTIA trade shows on a wide variety of topics including next generation broadband network technology adoption, fixed mobile convergence, semiconductor technologies, intellectual property patents and licensing, emerging markets in developing nations, mobile operating systems, search and advertising.

Mallinson has an undergraduate electronic engineering degree from London University's Imperial College and an MBA from the London Business School, including an academic exchange with Northwestern University's Kellogg Graduate School of Management in Illinois.

## Expert Testimony Work

Mallinson's engagements as a testifying expert witness include:

***Peltz v. Hatten***, 279 B.R. 710 (D. Del. 2002).

**Retained by:** Williams & Connolly on behalf of defendant Mark Hatten.

**Case:** Bankruptcy liquidation.

**Engagement:** Market assessment and company valuation. Expert report, rebuttal report, deposition and trial testimony.

***Omnipoint Communications Inc. v. the City of White Plains***, No. 01 Civ. 3285 (S.D.N.Y.).

**Retained by:** Greenberg Traurig, LLP on behalf of plaintiff Omnipoint (T-Mobile).

**Case:** Permit for cellular tower.

**Engagement:** Damages assessment, expert report and trial testimony.

***Omnipoint Communications Inc. v. the Country Club of New Canaan, Inc.***, Civ. No.

3:03CV00900(AWT) (D. Conn.).

**Retained by:** LeBoeuf, Lamb, Greene & MacRae, LLP on behalf of plaintiff Omnipoint (T-Mobile).

**Case:** Cellular tower breach of contract.

**Engagement:** Damages assessment with expert report submitted.

***Wireless Consumers v. AT&T Cellular et al***, 1:02-cv-02637-DLC (S.D.N.Y.).

**Retained by:** Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC (for Verizon Wireless); Friedman Kaplan Seiler & Adelman LLP (for AT&T Wireless); Sidley Austin Brown & Wood LLP (for T-Mobile); Hunton & Williams (for Cingular); Anderson Kill & Olick, PC (for Sprint PCS).



**Case:** Wireless telephone services antitrust litigation on alleged tying of cellular and PCS handset sales with service contracts.

**Engagement:** Analysis on relevant markets with expert report, rebuttal report and deposition.

***OpenMotion LLC v. Yellow Book USA***, No. A0602350 (Ct. of Common Pleas, Hamilton, Ohio).

**Retained by:** Taft, Stettinius & Hollister LLP, on behalf of plaintiff OpenMotion

**Case:** Breach of contract relating to mobile search and advertising.

**Engagement:** Damages assessment with expert report submitted.

***United Mobile Technologies, LLC et al v. Pegaso PCS, S.A. DE C.V. et al***, 1:05-cv-10528-LAP (S.D.N.Y.).

**Retained by:** Kubli and Associates, on behalf of plaintiff United Mobile Technologies.

**Case:** Disputed termination of supply by defendant for intellectual property licensing including software licensing and system integration in cellular text and multimedia messaging.

**Engagement:** *Quantum meruit* damages assessment with expert and rebuttal reports, deposition and trial testimony in September 2010.

***In re Eastern Towers Inc.***, No. 1:10-cv-10207-FDS (D. Mass.).

**Retained by:** Mintz Levin Cohn Ferris Glovsky and Popeo P.C. on behalf of plaintiffs Joseph G. Butler as Chapter 7 Trustee and John Strachan.

**Case:** Suit for breaches of fiduciary duty.

**Engagement:** Determine fair market value for a portfolio of towers and opine on the fairness or otherwise of a commercial agreement. Submitted expert opinion report in 2008 and deposed in 2009. Updated valuation report submitted September 2011. Trial testimony in April 2012.

***Global Signal Acquisitions II, LLC v. Unison Site Management Corp.***, No. 08-L-335 (Circuit Court, Kane County, Illinois).

**Retained by:** McCullough, Campbell & Lane LLP on behalf of defendant Unison Site Management.

**Case:** Defendant client is subject to an adverse cellular tower contract breach claim judgment.

**Engagement:** Review plaintiffs' damages assessment. Submitted expert report in July 2010, deposed in October 2010 and case settled in November 2010.

***GWT, LLC v. Allison, Angier & Bartmon, LLP, et al. Berkshire Superior Court C.A No 09-182***

**Retained by:** Defense counsel on behalf of defendants.

**Case:** Alleged malpractice in bankruptcy proceedings

**Engagement:** Testifying expert witness opinion on commercial issues and asset valuations relating to cellular towers. Case settled in October 2013.

***American Tower Asset Sub, LLC et al. v Buffalo-Lake Erie Wireless Systems Co., LLC Supreme Court of the State of New York County of Eire***

**Retained by:** Defense counsel on behalf of plaintiff

**Case:** Damages sought in contractual disputes

**Engagement:** Testifying expert witness opinion on commercial issues, asset valuations and damages relating to cellular operations and towers. Case settled in 2013

***In Re TFT-LCD (Flat Panel) Antitrust Litigation***, No. 3:07-md-01827 (N.D. Cal)

**Retained by:** Defense counsel on behalf of defendants

**Case:** Antitrust actions alleging price fixing among sellers of thin film transistor liquid crystal display products.

**Engagement:** Submitted expert reports on technological and commercial aspects of mobile communications products and services, and LCD and semiconductor manufacturing in February 2012, July 2012, October 2013 and May 2014. Deposed in 2012, January 2014 and July 2014.



Mallinson was named, 2011, as a testifying industry expert on behalf of the parties in a Department of Justice case against a proposed merger between two major U.S. mobile carriers.

Mallinson testified, 2013, as expert witness in a patent licensing agreement dispute in arbitration.

In addition, Mallinson also provides ongoing expert services on a non-testifying expert basis to some of the world's largest wireless cellular service and technology companies. Work includes competitive analysis on mobile technologies and services markets in support of several patent infringement, licensing and antitrust disputes worldwide. He works directly with these companies at the General Counsel level, with outside counsel including several other major law firms, and with other advisors including economists and accountants.

Mallinson has never been discredited, impeached or disqualified by any court. References are available upon request.

