

VITA

VINCENT E. O'BRIEN

POSITION: President, The Marin Economic Research Institute, Inc.

AFFILIATION: Managing Partner, OSKR, LLC

EDUCATION: Harvard Graduate School of Business Administration, Doctor of Business Administration (1973). Studies focused on the impact of economic, demographic, and cultural trends on the financial performance of industries and companies. 1970 - 1973.

Harvard Graduate School of Business Administration. Master in Business Administration (1969).

University of Illinois B.S. (1967) in Electrical Engineering with High Honors. Elected "Outstanding Senior in Electrical Engineering" in 1967. Elected to Tau Beta Pi, Phi Kappa Phi, Eta Kappa Nu, Sigma Tau, and James Scholar Honoraries. 1962 - 1967.

PROFESSIONAL AFFILIATIONS: American Economic Association
National Association of Business Economists
Financial Management Association
IEEE

OTHER AFFILIATIONS: Member of President's Council, University of Illinois
Director, Marin County Bicycle Coalition
Past Director, California Bicycle Coalition

PROFESSIONAL AND BUSINESS HISTORY: LECG, LLC, Director 1991 - 2007
Putnam, Hayes & Bartlett, Inc., Managing Director 1983 - 1991.
Dickenson, O'Brien & Associates, Inc., Director, 1978 - 1983.
Economic and financial consulting as related to corporate strategy, industry regulation, antitrust enforcement and commercial litigation.

Cambridge Research Institute, Management Consultant. General business consulting, including financial strategy, industry analysis, corporate planning and litigation support. August 1977 – June 1978.

Bethlehem Steel Corporation, Corporate Economist, Planning Department. Had responsibility for economic analysis and forecasting for the U.S. economy and the domestic steel industry. October 1973 – August 1977.

Management Consultant. Provided analytical and computer modeling skills to several public and private clients. September 1970 – October 1973.

Harvard Business School, Research Associate. Case writing and teaching. September 1970 – August 1972.

McDonnell Douglas Astronautics Company, Market Analyst. Huntington Beach, California. Performed business analysis in space and civil systems markets. January 1969 – July 1970.

Vince O'Brien

PUBLICATIONS, SPEECHES, SEMINARS & PATENTS

Articles

"*Reasonable Royalties By The New Rules*", by Douglas Kidder and Vincent O'Brien, in DUNN ON DAMAGES, Issue 3, Summer 2011

"*Infringer's Profits Should Not Be The Focus of Patent Damages Cases*" by Douglas Kidder and Vincent O'Brien, in DUNN ON DAMAGES, Issue 4, Fall 2011.

"*Economics and the Key Patent Damages Cases*" by Vincent E. O'Brien, in the INTELLECTUAL PROPERTY LAW JOURNAL, University of Baltimore School of Law, Volume 9, Number 1, Fall 2000.

"*A Study of Class Action Securities Fraud Cases 1988-1996*," by Vincent E. O'Brien, D.B.A.; unpublished, 1996.

"*A Study of Class Action Securities Fraud Cases 1988-1993*," with Richard W. Hodges; unpublished, 1993.

"*A Study of Class Action Securities Fraud Cases*," with Richard W. Hodges; unpublished, 1991.

"*The Class-Action Shakedown Racket*," THE WALL STREET JOURNAL, September 10, 1991; with Richard W. Hodges.

"*Economic Damages Under California's Right of Publicity Law*," with Lynne Klein; unpublished draft, 1991.

"*A Guide to Calculating Lost Profits*," THE NATIONAL LAW JOURNAL, January 29, 1990; with Joan Meyer.

Chapters in Books

Roman L. Weil, Peter B. Frank, Christian W. Hughes and Michael J. Wagner, (ed.). "Patent Infringement Damages" in *Litigation Services Handbook: The Role of the Financial Expert*, Fourth Edition, 2008 Supplement, Chapter 22, John Wiley & Sons, Inc.

Roman L. Weil, Peter B. Frank, Christian W. Hughes and Michael J. Wagner, (ed.). "Patent Infringement Damages" in *Litigation Services Handbook: The Role of the Financial Expert*, Fourth Edition, 2007, Chapter 22, John Wiley & Sons, Inc.

Roman L. Weil, Michael J. Wagner, and Peter B. Frank, (ed.). "Patent Infringement Damages" in *Litigation Services Handbook: The Role of the Financial Expert*, Third Edition, 2001, Chapter 24, John Wiley & Sons, Inc.

Dunn, Robert L. (ed.). "The Calculation of Lost Profit Damages" in *Recovery Of Damages For Lost Profits*, 5th and 6th Editions, Lawpress Corporation, 1998 and 2005.

Teaching Cases

"Donna Taylor v. Shape-Up Stores," with Henry Hecht, 2007.

"Donna Taylor v. Shape-Up Stores," with Betsy Lear and Henry Hecht, 1989.

"A Note on Input-Output Analysis," Harvard Graduate School of Business, 1972.

Various business cases for Harvard Graduate School of Business, 1970-1973.

VINCE O'BRIEN

PUBLICATIONS, SPEECHES, SEMINARS & PATENTS

Speeches & Seminars

Panel member, FTC Hearings, *The Evolving IP Marketplace*, Berkeley Center For Law & Technology, Berkeley, CA, May 5, 2009.

Speaker, *IP Valuation*, Berkeley Center For Law & Technology, Berkeley, CA, February 6, 2009.

Panel member, *Class Action Suits and Settlements: Information Update* session of the *Claims and Litigation Management Seminar*, June 19-20, 1995, San Francisco.

Panel member, *The Economics of Patent Damages*, before The 1994 Patent Litigation Institute Conference, October 10-11, 1994, Washington, DC.

Panel member, *Aggressively Responding to Class Action Suits: Evaluating Claims and Damages in 10(b) 5 Fraud Cases*, before The Securities Law Institute for Corporate Counsel, October 25-26, 1993, New York City.

Panel member, *Expenses in International Patent Litigation*, Stanford Law School, Law & Technology Conference, May 1 and 2, 1992.

Panel member, *The Bottom Line on Damages: Soft Proof and Hard Problems*, before the American Bar Association Section of Litigation, Chicago, October 24-26, 1991.

Economic Damages Under California's Right of Publicity Law before the California Judges Association and the Intellectual Property Section of the California Bar Association, Los Angeles, 1991.

The Efficient Market Model: Basic v. Levinson at the Putnam, Hayes & Bartlett, Inc. annual law and economics seminar, Phoenix, 1988.

Seminars Organized

The Efficient Market Model: Where is it Taking Us, 1990.

Polaroid v. Kodak: A New Damages Approach, 1990.

California Insurance Reform and a Reasonable Rate of Return, 1990.

Patents Awarded

United States Patent Numbers 5,695,100 and 5,934,529

Vince O'Brien Litigation Experience

Antitrust/Unfair Competition

Allflex USA v. AVID Identification Systems: Before the U.S. District Court, Central District of California, Case No.5:06-cv-1109 MRP (OP); retained by counsel for petitioner in the Wholesale Trade: Non-Durable Goods industry (Pet Identification RFIDs).

Sun Microsystems, Inc. and Unisys Corporation v. Hynix Semiconductor, Inc. et al. and related cases: Before the U.S. District Court, Northern District of California, Docket No. 06-cv-1665 PJH; retained by counsel for defendant in the Manufacturing: Semiconductors industry (DRAMs). Deposited 4/29/2008.

In re DRAM Antitrust Litigation: Before the U.S. District Court, Northern District of California, Master File No. M-02-1486PJH, MDL No. 1486; retained by counsel for defendant in the Manufacturing: Semiconductors industry (DRAMs). Deposited 8/18/2006.

Energex Ltd. and Ergon Energy Corporation Ltd. v. Alstom Australia Ltd, ABB Transmission And Distribution Ltd., Schneider Electric Ltd., et al.: Before the Federal Court of Australia, Victoria District Registry, No. V409 of 2003 and VID1212 of 2005; retained by counsel for respondent, re: lost profit damages in the Manufacturing: Electrical Equipment industry (Power and Distribution Transformers).

Oil Changer, Inc., Lube Management Co, et al. v. Quaker State Corporation and Pennzoil Company: Before the U.S. District Court, Northern District of California, Oakland Division, Case No. C-98-2947 MMC; retained by counsel for defendants, re: lost profit damages in the Services: Motor Vehicles industry (Oil Changing).

Bay Area Seat Service (BASS) v. Shorestein, Nederlander Productions of S. F., No. 995374; retained by counsel for defendant in the Arts, Entertainment & Recreation: Entertainment industry (Ticket Sales).

In Re: Industrial Silicon Antitrust Litigation: Before the U.S. District Court, Western District of Pennsylvania, Master File No. 95-2104; retained by counsel for plaintiff, re: class certification and damages in the Manufacturing: All Other Basic Inorganic Chemicals industry (Industrial Silicon). Deposited 12/2/1997 and 12/3/1997. Testified 9/8/1998, 5/4/1999 and 5/5/1999.

911 Emergency Services dba American Medical Response of Sacramento Valley v. Sacramento Regional Fire/EMS Communications et al.: Before the U.S. District Court, Eastern District of California, Case No. CIV-S-94-806 LKK-GGH; retained by counsel for defendant, re: foreclosure in the Health Care: Emergency Services industry (Ambulance).

Consumer Action, Laurel Doll, et al. v. Agency Sales and Posting, Fidelity National Title Insurance, et al.: Before the Superior Court of the State of California, County of Contra Costa, Case No. C95-02299; retained by counsel for defendant, re: lost profit damages and restitution damages in the Finance: Real Estate Credit industry (Foreclosure Fees).

International Technologies Consultants, Inc. v. Pilkington, PLC, Guardian Industries, and AFG Industries: Before the U.S. District Court, District of Arizona, Case No. CIV-93-552-TUC-WDB; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Basic Materials industry (Glass). Deposited 4/25/1996 and 4/26/1996.

Carbon Dioxide (CO2) Antitrust Litigation: Before the U.S. District Court, Middle District of Florida, Orlando Division, Case No. MDL940; retained by counsel for defendants, re: lost profit damages in the Manufacturing: Basic Materials industry (Carbon Dioxide). Deposited 8/14/1995.

PPG Industries, Inc. v. Pilkington PLC: Before the American Arbitration Association; retained by counsel for defendant, re: damages in the Manufacturing: Basic Materials industry (Glass). Deposited 3/10/1995.

Metro Publishing v. San Jose Mercury News: Before the U.S. District Court, Northern District of California, C-91-20605-SW-EAI; retained by counsel for plaintiff, re: fully-allocated costs in the Information Services: Newspaper Publishing industry (Entertainment Supplement). Deposited - date unknown.

AT&T v. Equal Access Corp. and counterclaim: Before the U.S. District Court, Central District of California, Case No. 92-7561 JSL; retained by counsel for defendant in the Information Services: Telecommunications industry (Long Distance Reseller).

Vince O'Brien Litigation Experience

Antitrust/Unfair Competition

Edward Dunning, Rosa Dunning, et al. v. First Alliance Mortgage Company, et al.: Before the Superior Court of the State of California, County of Alameda, Case No. 659123-8 OV; retained by counsel for defendant, re: liability and lost profit damages in the Finance: Consumer Lending industry (High Risk Loans). Deposed 8/1/1994.

Affinity Network Incorporated v. American Telephone and Telegraph Company: Before the U.S. District Court Central District of California, Case No. 92-2836 JSL (Kx); retained by counsel for plaintiff, re: lost profit damages in the Information Services: Telecommunications industry (Long Distance Reselling). Deposed 5/14/1994.

Dennis Burkett, Mark Backes, Western States Promotions, American Publishers School Plan v. Reader's Digest, QSP, Inc. et al.: Before the Superior Court of the State of California, County of San Diego, Case No. 641444; retained by counsel for defendants, re: lost profit damages in the Wholesale Trade: Book, Periodical & Newspaper Merchant Wholesalers industry (School Magazine Sales Programs). Deposed 3/10/1993.

Chromatic Communications Enterprises, Inc. and Michael J. Shipp v. Business Guides, Inc., Lebar-Friedman, Inc., J. Roger Friedman et al.: Before the U.S. District Court, Northern District of California, Case No. C 91 4186 DLJ; retained by counsel for defendant, re: lost profit damages in the Information Services: Publishing industry (Business Guides). Deposed 2/26/1993.

Premiere Candy Company v. Hershey Foods Corporation, Portland Food Products Company: Before the U.S. District Court, Northern District of Indiana, Hammond Division, Civil Action No. H92-0307; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Food industry (Chocolate-Covered Cherries). Deposed 2/26/1993.

Pan Asia Venture Capital Corp. and San Francisco Independent v. San Francisco Newspaper Agency, the San Francisco Chronicle Publishing Co., the Hearst Corporation et al.: Before the Superior Court of the State of California, City and County of San Francisco, Case No. 903999; retained by counsel for plaintiff, re: fully-allocated costs in the Information Services: Newspaper Publishing industry (Weekly Food Supplement). Deposed 10/22/1990 and 10/25/1990.

H&S Industries, Inc. v. Kaiser Aluminum & Chemical Corp., et al.; retained by counsel for plaintiff, re: liability and lost profit damages in the Manufacturing: Textile Products industry (Carpets).

Consolidated Metal Products v. American Petroleum Institute, LTV Corp, Continental EMSCO Co. and Dover Corp.: Before the U.S. District Court, District of Columbia, Civil Action No. 83-1137; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Rolled Steel Shapes industry (Sucker Rods).

ITC Eastridge v. WaldenBooks, Inc. and Cross Complaint: Before the Superior Court of the State of California, County of Santa Clara, Case No. 546904; retained by counsel for plaintiff, re: market definition in the Retail Trade: Bookstores industry.

National Railway Utilization Corporation v. American Association of Railroads, et al.; retained by counsel for defendant, re: liability and lost profit damages in the Real Estate: Equipment Leasing industry (Railroad Box Cars).

Royal Service v. Goody Products; retained by counsel for plaintiff, re: liability and damages in the Wholesale Trade: Merchant Wholesalers industry (Hair Care Products).

Anne Lawrence Fiske v. Howard Sullivan, Maureen Sullivan, Diet Center et al.: Before the Superior Court of the State of California, County of San Francisco, No. 778 904; retained by counsel for defendant Diet Center, re: market definition, lost profit damages and valuation in the Other Services: Weight Loss Centers-Non Medical industry (Weight Loss Program). Deposed 9/16/1983.

Conrac v. American Telephone & Telegraph; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Telephone Apparatus Manufacturing industry (Traffic Usage Recorders).

Vince O'Brien Litigation Experience

Antitrust/Unfair Competition

Southern Pacific Communications Corporation v. American Telephone and Telegraph, et al.: Before the U.S. District Court, District of Columbia, Civil Action No. 78-0545; retained by counsel for plaintiff, re: monopolization, predatory pricing and lost profit damages in the Information Services: Telecommunications industry (Long Distance Service).

Digidyne Corporation and Fairchild Camera and Instrument Corporation v. Data General Corporation: Before the U.S. District Court, Northern District of California, Case No. MDL 369 WHO; retained by counsel for plaintiff, re: monopolization and lost profit damages in the Manufacturing: Semiconductor industry (Microprocessors).

Docufile, Inc. v. Lockheed Electronics Corporation: Before the U.S. District Court, Northern District of California; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Computer Peripheral Equipment industry (Document Storage and Retrieval System).

Transamerica Computer Co. v. International Business Machines Corporation: Before the U.S. District Court, Northern District of California, MDL No. 163-RM; retained by counsel for defendant, re: lost profit damages in the Real Estate: Commercial Equipment Leasing industry (Computer Peripheral Equipment: Disk Drives).

Memorex v. International Business Machines Corporation: Before the U.S. District Court, Northern District of California, C-73-2239 SC; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Computer Peripheral Equipment industry (Disk Drives).

Vince O'Brien Litigation Experience

Breach of Contract

Metilinx v. Hewlett-Packard: Before the Superior Court of the State of California, County of San Mateo, CIV442684; retained by counsel for plaintiff in the Information Services: Software industry (System Integration).

Circuit Semantics Inc. v. Silvaco Data Systems, Inc. and Ivan Pesic: Before the American Arbitration Association, Matter No. 74Y1170107103TNC; retained by counsel for claimant, re: valuation in the Information Services: Software Publishing industry (EDA Tools (Circuit Simulation Software)). Testified 8/23/2004 and 8/24/2004.

National Group for Communications and Computers, Ltd. v. Lucent Technologies International, Inc., CV-00-86 (JLL); retained by counsel for defendant, re: lost profit damages in the Manufacturing: Communications Equipment industry (Cellular Systems). Deposed 12/5/2003. Testified 12/15/2003.

Compaq Computer Corporation v. Mag-Tek Inc: Before the United States District Court, Northern District of California, Case No. C 02-02158 JW; retained by counsel for plaintiff, re: out-of-pocket damages and lost profit damages in the Manufacturing: Computers & Electronic Products industry (ATM Card Readers). Deposed 1/13/2003.

Cargill Incorporated v. National Union, et al.: Before the District Court, State of Minnesota, 4th Judicial District, File No. 01-1172; retained by counsel for defendant, re: lost profit damages, reasonable royalty and unjust enrichment damages in the Agriculture: Oilseed and Grain Farming industry (Hybrid Seed Corn).

Richard D. Harroch v. Law.Com, Inc.: Before the Superior Court of the State of California, City and County of San Francisco, Case No. 320304; retained by counsel for defendant, re: lost profit damages in the Information Services: Data Distribution industry (Legal Information). Deposed 5/29/2002.

Telesisa Sistemas Em Telecomunicacoes, S.A. v. Lucent Technologies International Inc.: Before the American Arbitration Association, Case No. 50T 181 00362 00; retained by counsel for defendant, re: lost profit damages and valuation in the Wholesale Trade: Telecommunications equipment industry (Switches & Voicemail Equipment). Testified 5/9/2001.

LatinVest Technology Venture Management Company LLC & Globalvest Management Company, L.P. v. Hambrecht & Quist South American Investment Group, et al.: Before the Superior Court of the State of California, County of San Francisco, Case No. 309589; retained by counsel for defendant, re: lost profit damages in the Finance: Other Financial Investments industry (Venture Capital).

Virco Manufacturing Co. v. Hewlett-Packard Co.: Before the Superior Court of the State of California, County of Los Angeles, Case No. BC 200519; retained by counsel for defendant in the Manufacturing: Furniture industry (School Furniture).

United Native Telecommunications Inc., (UNAT) v. Australian Mutual Provident Society et al: Before the Superior Court of the State of Alaska, Third Judicial District at Anchorage, Case No.3AN-97-5125; retained by counsel for Plaintiff in the Utilities: Telecommunications industry (Long Distance Service).

Healthon/WebMD Corp. v. Edward J. Fotsch, M.D., Debra A. Del Guidice et al. and Cross Complaint: Before the Superior Court of the State of California, County of San Francisco, Case No. 307941; retained by counsel for defendant in the Information Services: Data Services industry (Medical Information). Deposed 11/4/2000.

Autobond, Inc. et al. v. Fleet Bank, et al.: Before the District Court of Travis County, Texas, 53rd Judicial District, Cause No. 97-13685; retained by counsel for defendants, re: lost profit damages in the Finance: Consumer Lending industry (High Risk Securitized Auto Loans).

The Bengard Group, Inc., et al. v. Trim Master, Inc. (formerly Trim Master Co.) and cross complaint: Before the Superior Court of the State of California, County of Orange, Case No. 797667; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Motor Vehicles industry (Auto Parts - trim). Deposed 5/27/2000. Testified 7/7/2000.

Vince O'Brien Litigation Experience

Breach of Contract

Sandvik AB v. Advent International Corp., et al.: Before the Superior Court of the State of Delaware in and for New Castle County, C.A. No. 99C-06-292; retained by counsel for plaintiff in the Manufacturing: Machinery industry (Material Handling).

O'Keeffe's, Inc. v. Calsak, ICI Acrylic, Inc. et al.: Before the Superior Court For the State of California, County of San Francisco, Case No. 981004; retained by counsel for defendants, re: lost profit damages in the Manufacturing (Other): Construction Materials industry (Skylights). Deposed 5/11/1999 and 5/13/1999. Testified 6/3/1999 and 6/4/1999.

Harris Corporation v. Pairgain Technologies, Inc., Rockwell Semiconductor Systems, et al.: Before the Superior Court of the State of California, County of Orange, Case No. 792686; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Semiconductor industry (Modem Chips). Deposed 4/13/1999 and 4/14/1999.

Optical Corporation of America et al. v. Optical Coating Laboratory Inc.: Before the Superior Court of the Commonwealth of Massachusetts, Middlesex, Civil Action No. 97-1559; retained by counsel for plaintiff, re: lost profit damages in the Information Services: Application Software industry (RISC Cores).

Leaf River Valley Cellular Telephone, Inc. and Central Cellular Telephones, Ltd. v. Contel Cellular, Inc. & Contel Cellular of Illinois & Rockford MSA Limited Partnership: Before the Circuit Court of the Seventeenth Judicial Court of the State of Illinois, Winnebago County, Case No. 94-CH-148 consolidated with No. 94-CH-151; retained by counsel for defendants, re: lost profit damages and valuation in the Information Services: Telecommunications industry (Cellular Franchise). Deposed 1/6/1998. Testified 3/26/1998.

Oakland Raiders v. National Football League, et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV-756194; retained by counsel for defendant, re: lost profit damages in the Arts, Entertainment & Recreation: Sports Teams and Clubs industry (Professional Football).

Rydex, Ltd.; Michael Ryan; Ryan Industries; and Permud Ltd. v. Norwest Bank Iowa N.A: Before the Iowa District Court for Polk County, Law No. CL000-65483; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Computers & Electronic Products industry (Transponders). Deposed 11/11/1997. Testified 12/30/1997.

Moscow Country Club, Inc. v. The Main Administration for Service to the Diplomatic Corps of the Russian Federation (GlavUpDK): Before the Ad hoc Arbitration Tribunal at the Stockholm, Sweden Chamber of Commerce; retained by counsel for claimant, re: lost profit damages in the Finance: Real Estate industry (Golf Course & Housing Development). Testified 10/24/1997.

Interactive Network Inc. vs. Tele-Communications, TCI Communications, TCI Development Corp., TCI Programming Holding Co., TCI Cablevision of California et al.: Before the Superior Court of the State of California In and For The County of Alameda, Case No. 754933-7; retained by counsel for defendants, re: lost profit damages and valuation in the Information Services: Cable & Other Program Distribution industry (Interactive TV). Deposed 10/8/1997.

PromoFone, Inc., MovieFone, Inc., The Teleticketing Company, L.P. and The Falconwood Corporations, Claimant against Pacer/CATS Corporation, Respondent: Before the American Arbitration Association, New York, NY, Case No. 13-181-00952-94; retained by counsel for claimant, re: lost profit damages and restitution damages in the Administrative Support Services: Ticket Reservations industry (Movie Tickets). Testified 2/24/1997, 2/25/1997, 2/26/1997 and 3/3/1997.

Compuware Corp. v. Mercury Interactive Corporation: Before the State of Michigan, Circuit Court for the County of Oakland, Case No. 96-522757-CZ; retained by counsel for defendant, re: unjust enrichment damages and reasonable royalty in the Information Services: Software industry (System Testing).

Vince O'Brien Litigation Experience

Breach of Contract

Pension Trust Fund for Operating Engineers, et al. v. Winncrest Homes, Inc., et al. and cross complaint: Before the Superior Court of the State of California in and for the County of Sacramento, Consolidated case No. 531590 and 534244; retained by counsel for plaintiff, re: lost profit damages in the Construction: Single Family Builders industry (Golf Course Development). Deposed 1/6/1997, 1/7/1997, 1/29/1997 and 2/5/1997. Testified 3/11/1998, 3/16/1998, 3/25/1998 and 4/28/1998.

North Shore Medical Center, Ltd, Evanston Partners, Inc. and Wilson Ventures v. Evanston Hospital Corp, Jeffrey H. Hillebrand and Mark R. Neaman: Before the U. S. District Court, Northern District of Illinois, Eastern Division, Case No. 92 6533; retained by counsel for plaintiff, re: lost profit damages in the Finance: Real Estate industry (Medical Office Building). Deposed 12/16/1996. Testified 6/8/1998 and 6/9/1998.

Pensoft Corporation v. EO, Inc., AT&T Corp., et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV 740628; retained by counsel for defendants, re: lost profit damages in the Manufacturing: Computers & Peripherals industry (PDAs). Deposed 4/19/1996.

Golden Systems, Inc. v. Bell Atlantic Business Systems Services, Inc.: Before the Superior Court of the State of California, County of Ventura; retained by counsel for plaintiff, re: damages in the Information Services: Telecommunications industry.

Shock's Furniture Interiors v. Thomasville Furniture Industries, Ken Myers, Giles Day, Trimble Western Furnishings: Before the Superior Court of the State of California, County of Solano, Case No. 003060; retained by counsel for defendant, re: lost profit damages in the Retail Trade: Furniture Stores industry.

Hardy Soderholm and Cheryl Soderholm v. Rubbermaid Inc.: Before the U.S. District Court, Northern District of California, Case No. C94-3583 WHO; retained by counsel for plaintiff, re: lost profit damages in the Retail Trade: House wares industry (Household Items). Deposed 12/18/1995.

Antoine Jabbour v. Ziff Davis Publishing Co, Ziff Davis Communications, Computer Shopper et al.; retained by counsel for defendant in the Other Services: Computer Repair industry (Disk Drive Repair).

Communications Data Group v. Northwestern Indiana Telephone Company and Counterclaim: Before the U.S. District Court, Central District of Illinois, Danville/Urbana Division, Case No. 93-2152; retained by counsel for defendant, re: lost profit damages in the Information Services: Telecommunications industry (Billing Systems).

Allendale Mutual Insurance Company and Factory Mutual International v. Bull Data Systems Inc., Zenith Data Systems, S.A. Zenith Data Systems Europe S.A. and Alexander & Alexander Inc.: Before the U.S. District Court, Northern District of Illinois, Eastern Division, Case No. 91C 6103 and 91C 7362; retained by counsel for plaintiffs, re: lost profit damages and valuation in the Manufacturing: Computers & Electronic Products industry (Personal Computers). Deposed 12/30/1994 and 1/11/1995.

California State Lottery v. High Integrity Systems, Equifax, T. I. Holding, Federal Insurance et al.: Before the Superior Court of the State of California, County of Sacramento, Case No. 533477; retained by counsel for plaintiff, re: lost profit damages in the Arts, Entertainment & Recreation: Amusement, Gambling & Recreation industry (State Lottery).

Griswold Creek Joint Powers Authority v. Pacific Gas and Electric Company/ Pacific Oroville Power, Inc. v. Pacific Electric Company: Before the Superior Court of the State of California, County of San Francisco; retained by counsel for plaintiff, re: lost profit damages in the Utilities: Electric industry (Alternative Fuel Power Production). Deposed 4/20/1993. Testified 4/15/1994 and 4/18/1994.

Pacific Park Plaza Homeowners Assoc. v. Tower House Assoc. et al.: Before the Superior Court of the State of California, County of Alameda, Case No. 652696-6; retained by counsel for plaintiff, re: restitution damages and valuation in the Construction: Building industry (Condominiums).

Vince O'Brien Litigation Experience

Breach of Contract

Zuri Invest A.G., et al. v. Georges Benarroch, Euro Canadian Securities, Ltd., Brush Creek Mining & Development Company, Inc., et al.: Before the U.S. District Court, Eastern District of California, Case No. CV-S-9-1072 WBS-GGH; retained by counsel for defendant, re: commissions due for raising capital in the Mining industry. Deposed 2/2/1994. Testified 10/19/1994.

O'Keeffe's Inc. v. Nippon Electric Glass Co., Ltd., Nippon Electric Glass America Inc., J.R. Four Ltd, dba Technical Glass Products and Warnock Hersey International: Before the U.S. District Court, Northern District of California, Case No. C 92 4115 DLJ; retained by counsel for defendants, re: lost profit damages in the Manufacturing: Non-Metallic Mineral industry (Glass).

Health Plans, Inc. v. New York Life Insurance & Counterclaim: Before the U.S. District Court, District of Massachusetts, Civil Action No. 91-40047-XX-GN; retained by counsel for defendant in the Finance: Insurance industry (Health Coverage).

Benziger Family Ranch Associates, dba Glen Ellen Winery v. Bronco Wine Company, dba Classic Wines of California and related Cross- Action: Before the Superior Court of the State of California, County Sonoma, Case No. 187834; retained by counsel for defendant, re: lost profit damages in the Wholesale Trade: Wholesale Distribution industry (Wine). Deposed 11/24/1992. Testified 6/21/1993.

Broadbase v. Jiffy Lube; retained by counsel for defendant, re: lost profit damages and valuation in the Other Services: Motor Vehicles industry (Oil Changing Franchise).

Lube 10 v. Jiffy Lube International; retained by counsel for defendant in the Other Services: Motor Vehicles industry (Oil Changing Franchise).

Mark Berry, et al. v. Dynasty Solar, et al.: Before the Superior Court of California, County of Alameda; retained by counsel for defendants, re: lost profit damages in the Construction: Electricity industry (Solar Panels).

Hahn-Lee v. Digital Equipment Corp.: Before the Superior Court of the State of California, County of Santa Clara; retained by counsel for defendant, re: lost profit damages in the Retail Trade: Motor Vehicles industry (Motorcycle Parts). Deposed - date unknown. Testified - date unknown.

Arch Medical Associates, Inc., dba Nutri/System Weight Loss Centers and Robert J. Kolson v. Nutri/System, Inc.: Before the U.S. District Court, District of Massachusetts, Civil Action No. 88-2483-Y; retained by counsel for defendant, re: lost profit damages in the Other Services: Weight Loss Centers industry (Franchise). Deposed - date unknown. Testified 1/15/1992.

HEM Research v. E.I. Dupont De Nemours & Co.: Before the U.S. District Court, Eastern District of Pennsylvania; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Pharmaceuticals & Medicine industry (New AIDS Drug).

Rehabilitation Technologies, Inc., RTI Middle, Inc. v. Smith Laboratories, Inc., Sutter Corporation: Before the Superior Court of the State of California, County of San Diego, Case No. 614143; retained by counsel for defendant, re: valuation in the Manufacturing: Medical Equipment industry (Passive Motion Devices).

CCI v GTE Government Systems, et al.; retained by counsel for defendant, re: damages in the Manufacturing: Semiconductors industry (CPU's).

MKA v. United States. Fidelity and Guarantee Co. and Consolidated Actions: Before the Superior Court of California, County of Fresno, Case Nos. 329260-4 and 335415-6; retained by counsel for defendant, re: liability and damages in the Agriculture & Wholesale Trade: Other Fruit industry (Figs). Deposed 1/9/1990 and 1/10/1990.

William DeRosa v. Digital Equipment Corp.: Before the U.S. District Court, Northern District of California, Case No. C-87-2451 DLJ; retained by counsel for defendant, re: lost profit damages in the Wholesale Trade: Dried Foods industry (Beef Jerky). Deposed 6/8/1989. Testified - date unknown.

Vince O'Brien Litigation Experience

Breach of Contract

Joseph McFadden, etc., et al. v. Berdell L. Dickinson, etc. et al. and cross complaint: Before the Superior Court of the State of California, County of Kern, Case No. 183668; retained by counsel for plaintiffs.

Kamyr, Kamyr Canada, and Kamyr AB v. Combustion Engineering and Koppers Co.: Before the Supreme Court of the State of New York, County of Warren, Index No. 25412, Control No. 56-1-87-0257; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Machinery industry (Pulp Refiners).

Unistrut Corp. and Unistrut International Corp. v. GTE Products Corp.: Before the American Arbitration Association in New York City, Case No. 13-199-0643-1203; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Structural Steel Fabrication industry (Space Frames). Testified 8/13/1987 and 8/14/1987.

AT&T v. U.S. West: Before the American Arbitration Association; retained by counsel for defendant, re: appropriate amount of working capital in the Information Services: Telecommunications industry (Local Services).

Empire Tractor & Equipment Co. v. Edward R. Bacon & Co. and Edward R. Bacon Co. v. John Deere Industrial Equipment Co.: Before the Superior Court of the State of California, County of Santa Clara, Case Nos. 530389 and 507930; retained by counsel for plaintiff, re: lost profit damages in the Wholesale Trade: Farm & Garden Machinery industry (Construction Equipment). Deposed 2/13/1987. Testified 1/1/2000.

Mission National Insurance Company v. GTE Sprint Communications Corp.: Before the District Court of Douglas County, Nebraska, Docket No. 839 Page 667; retained by counsel for defendant, re: lost profit damages in the Information Services: Telecommunications industry (Long Distance Service). Deposed 5/22/1986 and 10/17/1986.

Above the Belt v. Wells Fargo Bank and The Taubman Co., Inc.: Before the Superior Court of the State of California, County of San Francisco, Case No. 824424; retained by counsel for defendant, re: lost profit damages in the Retail Trade: Men's Apparel industry (Belts). Deposed 5/7/1986.

Dial-Net v. U.S. Telephone, Inc.; retained by counsel for defendant, re: lost profit damages in the Information Services: Telecommunications industry (Long Distance Service).

Breach of Fiduciary Duty

Al Davis, Raiders v. National Football League, et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV-756194; retained by counsel for defendant, re: lost profit damages in the Arts, Entertainment & Recreation: Sports Teams and Clubs industry (Professional Football).

Bradford Staff v. Tramell Crow; retained by counsel for claimant, re: damages and valuation in the Administrative Support Services: Temporary Employment Agencies industry.

Eureka Federal Savings and Loan v. Ken Kidwell, et al.: Before the U.S. District Court, Northern District of California, No. C 86 1245 WHO; retained by counsel for plaintiff, re: damages in the Finance: Savings & Loan industry (Commercial Lending).

Vince O'Brien Litigation Experience

IP - Breach of License Agreement

O2 Micro International Ltd. V. Hon Hai Precision Industries Ltd., a/k/a Foxcon Technology Group and Ampower Holding Ltd.: Before the U.S. District Court, Eastern District of Texas, Marshall Division, Case No. 2:08-cv-466 (DF/CE); retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Computers & Electronic Products industry (Inverter Controllers). Deposed 10/14/2010.

The Institute for Eye Research v. Coopervision Inc.: Before the International Chamber of Commerce, Court of Arbitration, No. 16 626/VRO; retained by counsel for Defendant, re: reasonable royalty in the Manufacturing: Ophthalmic Goods industry (Toric Contact Lens). Deposed 7/27/2010. Testified 7/1/2011.

Oklahoma Medical Research Foundation v. Eli Lilly and Company: Before the U.S. District Court, Western District of Oklahoma, Case No. CIV-01-456-C; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Pharmaceutical & Medicine industry (Sepsis Drug: Xigris). Deposed 10/30/2002.

City of Hope National Medical Center v. Genentech, Inc., et al.: Before the Superior Court of the State of California, County of Los Angeles, Case No. BC 215152; retained by counsel for defendant in the Manufacturing: Biotechnology Research & Development industry (DNA Isolation & Replication). Deposed 8/21/2001. Testified 10/3/2001.

Hewlett-Packard Company v. Dega Technologies, Inc., et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CCP§2034, CV 780094; retained by counsel for plaintiff, re: reasonable royalty in the Professional, Scientific & Technical Services: Software industry (Auto Parts Tracking). Deposed 4/12/2000. Testified 5/15/2000.

Medi-Soft, Inc. v. Bio-Reference Laboratories, Inc. and Cross Complaint: Before the American Arbitration Association, Case No. 74-117-0848-98; retained by counsel for plaintiff, re: lost profit damages and reasonable royalty in the Information Services: Software Publishing industry (Patient Tracking Software).

Lewis Galoob Toys, Inc. v. Clemens V. Hedeem, Jr., Patti Jo Hedeem, Funmaker, Hedeem and Companies, and CV Hedeem's Fun City, USA; (and counterclaim): Before the U.S. District Court, Northern District of California, Oakland Division, Case No. C-95-1852-DLJ; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Consumer Products industry (Children's Toys).

Advanced Micro Devices/Intel Arbitration; retained by counsel for plaintiff, re: lost profit damages in the Manufacturing: Semiconductor industry (80386 Microprocessor).

IP - Copyright Infringement

Jerry E. Bower and Wall Repair Systems, Inc. v. Randall Eric Swanson, Homax Products Inc., Ross Clauson, Randy Hanson et al.: Before the Superior Court of the State of Washington, County of Clark, No.: 03 2 07073 8; retained by counsel for defendant in the Manufacturing: Building Materials industry (Wall Patches).

Skechers U.S.A., Inc. v. Griggs Group, Ltd., Dr. Martens Airwave USA LLC, et al.: Before the U.S. District Court, Central District of California, Case No. CV 99-06047 TJH (Ex); retained by counsel for plaintiff in the Manufacturing: Footwear industry (Men's Shoes).

Vince O'Brien Litigation Experience

IP - Malpractice

Cambrian Consultants v. Stuart Libtz, Michael Girardi, Hogan & Hartson and Spendly, Horn, Jubis & Lutz; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Computer Peripheral Equipment industry (Disk Drives). Deposed 7/16/2003.

Zari Mansouri and Laboratory Skin Care, Inc. v. Morrison & Foerster LLP and Thomas Ciotti, Esq.; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Chemical Manufacturing industry (Cosmetics and Toiletries).

Walt Disney Company v. Fulwider, Patton, Lee & Utecht: Before the Superior Court of the State of California, County of Los Angeles, Case No. BC054224; retained by counsel for defendant, re: lost royalty damages in the Arts, Entertainment and Recreation: Amusement Rides industry (Egress Technology).

IP - Patent Infringement

In the Matter of Certain Personal Data and Mobile Telecommunications Devices and Related Software: Before the U.S. International Trade Commission, Investigation No. 337-TA-710; retained by counsel for defendant, re: Injunctive Harm in the Manufacturing: Communications Equipment industry (Cellular Telephones).

Hoyt A. Fleming v. Escort, Inc. and Beltronics, Inc.: Before the U.S. District Court, District of Idaho, Case No. 1:09-CV-001105-BLW; retained by counsel for plaintiff, re: reasonable royalty damages in the Manufacturing: Computer and Electronic Products industry (Radar Detector).

Google v. Netlist: Before the U.S. District Court, Northern District of California, Case No. 08-04144 SBA; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Computers & Electronic Products industry (Server Memory).

Avocent Redmond Corp. v. The United States and Rose Electronics: Before the United States Court of Federal Claims, No. 09-69C; retained by counsel for Defendant, re: reasonable royalty damages in the Manufacturing: Communications Equipment industry (KVM Switches).

Chrimar Systems, Inc. d/b/a CMS Technologies, Inc. v. Foundry Networks, Inc., PowerDsine, Inc. & D-Link Systems, Inc.: Before the U.S. District Court, Eastern District of Michigan, Civil Action No. 2:06-13936; retained by counsel for defendants, re: reasonable royalty in the Manufacturing: Communication Equipment industry (PoE-Enabled Ethernet Devices). Deposed 12/8/2009.

Monolithic Power Systems, Inc. v. O2 Micro International Ltd. and Counterclaim: Before the U.S. District Court, Northern District of California, Oakland Division, Case No. C 08-4567 CW; retained by counsel for cross-plaintiff in the Manufacturing: Computers & Electronic Products industry (Controllers for Cold Cathode Fluorescent Lamps). Deposed 9/30/2009.

Mosaid Technologies Inc. v. Micron technology Inc., Powerchip Semiconductor Corp., Promos Technologies, and Mosel Vitelic Inc.: Before the U.S. District Court, Eastern District of Texas, Marshall Division, Case No. 2:06cv302-DF; retained by counsel for Plaintiff in the Manufacturing: Semiconductors industry (DRAMs).

Alan D. Schreiber, et al. v. Eli Lilly & Co., No. 05-2616 (E.D. Pa.): Before the U.S. District Court, Eastern District of Pennsylvania, No. 05-2616 (E.D. Pa.); retained by counsel for defendant in the Health Care: Pharmaceuticals & Medicine industry (Evista).

Commonwealth Scientific and Industrial Research Organisation (CSIRO) vs. Toshiba American Information Systems, Inc., et al.: Before the U.S. District Court, Eastern District of Texas, Tyler Division, Civil Action No. 6:06CV550; retained by counsel for plaintiff in the Manufacturing: Data Communications Equipment industry (WiFi). Deposed 9/18/2008 and 9/19/2008.

Vince O'Brien Litigation Experience

IP - Patent Infringement

Ronald A. Katz Technology Licensing v. DHL et al: Before the U.S. District Court, Central District of California, Case No. 07-ML-01816-B-RGK (FFMx); retained by counsel for defendant in the Administrative Services: Telephone Answering industry (Call Distribution Centers). Deposed 7/31/2008.

Data Encryption Corp. v. Microsoft Corp. and Dell Computer Corp.: Before the U.S. District Court, Central District of California, Case No. CV 05-05531 DSF (RZx); retained by counsel for defendant, re: reasonable royalty in the Information Services: Software Publishing industry (Data Encryption).

Informatica Corp. v. Business Objects Data Integration: Before the U.S. District Court, Northern District of California, Case No. C 02-3378 JSW; retained by counsel for plaintiff, re: reasonable royalty and lost profit damages in the Information Services: Software industry (Data Integration Software). Deposed 12/5/2006. Testified 3/20/2007.

Mosaid Technologies, Inc. v. Infineon Technologies North America Corp., Infineon Technologies AG, Infineon Technologies Holding North America Corp., and Infineon Technologies Richmond LP: Before the U.S. District Court, Eastern District of Texas, Civil Action No. 6:05CV120; retained by counsel for plaintiff, re: Reasonable Royalty Damages in the Manufacturing: Semiconductors industry (Memory Chips - DRAMS).

GlobespanVirata, Inc. v. Texas Instruments, Inc., The Leland Stanford Junior University and its Board of Trustees, and Stanford University OTL, LLC.: Before the U.S. District Court, District of New Jersey, Civil Action No. 03-2654 (GEB); retained by counsel for defendant in the Manufacturing: Semiconductors industry (ADSL Modems).

Toshiba Corporation v. Trigem Computer Inc. and Trigem America Inc.: Before the United States District court Central District of California Western Division, CV 03-4558 (GHK) (AJWx); retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Computers & Electronic Products industry (Personal Computers).

Ariad Pharmaceuticals, Inc., MIT, The Whitehead Institute for Biomedical Research, Harvard v. Eli Lilly & Co: Before the U.S. District Court, District of Massachusetts, Civil Action No. 02-CV-11280-RWZ; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Pharmaceuticals & Medicine industry (Xigris and Evista). Deposed 12/16/2005 and 12/19/2005. Testified 4/25/2006.

Eli Lilly & Co. v. Gerald R. Crabtree and Jorge Plutzky and The United States: Before the U.S. District Court, Southern District of Indiana, Indianapolis Division, 1:03:CV-0520 LJM/WTL; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Pharmaceuticals & Medicine industry (Sepsis Drug: Xigris). Deposed 10/7/2005.

ICU Medical, v. B. Braun Medical: Before the U.S. District Court, Northern District of California, CV-01-3202 EDL; retained by counsel for plaintiff, re: lost profit damages and reasonable royalty in the Manufacturing: Surgical and Medical Instruments industry (IV Valves). Deposed 3/11/2005.

Mosaid Technologies, Inc. v. Infineon Technologies North America Corp., Infineon Technologies AG, Infineon Technologies Holding North America Corp., and Infineon Technologies Richmond LP: Before the U.S. District Court, District of New Jersey, Civil Action No. 03-4698; retained by counsel for plaintiff, re: reasonable royalty damages in the Manufacturing: Semiconductors industry (Memory Chips - DRAMS). Deposed 2/8/2005.

Mosaid Technologies, Inc. v Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, L.P.: Before the U.S. District Court, District of New Jersey, Civil Action No. 01-4340 (JWB); retained by counsel for plaintiff, re: reasonable royalty damages in the Manufacturing: Semiconductors industry (Memory Chips - DRAMS).

Storage Technology Corporation dba Storagetek v. Custom Hardware Engineering & Consulting Inc.: Before the US District Court District of Massachusetts, 02-12102 RWZ; retained by counsel for defendants, re: lost profit damages in the Professional, Scientific & Technical Services: Computer Peripheral Equipment Maintenance industry (Mass Storage Devices). Deposed 5/17/2005 and 5/18/2006. Testified 11/28/2006.

Vince O'Brien Litigation Experience

IP - Patent Infringement

Acrymed, Inc. and Medline Industries, Inc. v. Convatec an unincorporated division of E.R. Squibb & Sons and Bristol-Myers Squibb Company: Before the United States District Court of Oregon, Case No. 03-CV-741-AS; retained by counsel for plaintiff, re: lost profit damages, reasonable royalty and unjust enrichment damages in the Manufacturing: Pharmaceutical & Medicine industry (Advanced Wound-Care Products). Deposited 4/28/2004.

Affymetrix, Inc. v. Oxford Gene Technology Ltd., Oxford Gene Technology IP Ltd., Oxford Gene Technology (Operations) Ltd., and Edwin M. Southern: Before the International Court of Arbitration of The International Chamber of Commerce, 12 681/JNK, re: reasonable royalty and most favored licensee clause in the Manufacturing: Pharmaceutical & Medicine industry (DNA Microarrays).

Gracenote, Inc. v. Musicmatch, Inc.: Before the United States District Court Northern District of California Oakland Division, C 02-3162 CW; retained by counsel for plaintiff in the Information Services: Database & Directory Publishers industry (Artist, Song Title & Dynamic Content via Internet). Deposited 3/8/2004.

Toshiba Corporation v. Ultima Electronics Corp., Artronix Technology Inc., Lite-on IT Corp, Lite-on (USA) International; retained by counsel for plaintiff, re: reasonable royalty damages in the Manufacturing: Audio and Video Equipment industry (DVD's).

FCI USA Inc. and FCI America's Technology v. Hon Hai Precision Industry and Foxconn Electronics, Inc.: Before the United States District Court Northern District of California San Francisco Division, C-01-1192 CRB; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Computers & Electronic Products industry (Chip Connectors). Deposited 10/29/2003. Testified 2/10/2004.

Arctic Cat, Inc. v. Injection Research Specialists, Inc. and Pacer Industries, Inc. and Cross-Complaint: Before the U.S. District Court, Northern District of California, Civil Action No. 01-CV-543 MJD/RLE; retained by counsel for plaintiff, re: unjust enrichment damages, lost profit damages and reasonable royalty in the Manufacturing: Transportation Equipment industry (Snowmobiles). Deposited 1/7/2004.

Tekni-Plex, Inc. v. Tenneco, Inc. and Tenneco Packaging and Consumer Products, Inc.: Before the U.S. District Court, Western District of New York, Civil Action No. 00-CV-6041T; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Packaging industry (Styrofoam Meat Trays). Deposited 2/6/2003.

Aldec, Inc. v. Xilinx, Inc.: Before the American Arbitration Association, Case No. 74-117-01000-02-GAP; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Information Services: Applications Software industry (Software for Programming FPGAs). Deposited 2/12/2003 and 1/14/2003. Testified 2/26/2003 and 2/27/2003.

Cambrian Consultants, Inc. v. Maxtor, Quantum HDD and Western Digital Corporation: Before the United States District Court, Central District of California, Case No. 01-04580R(AJWx); retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Computers & Peripherals industry (Disk Drives). Deposited 1/16/2003.

Ronald Smith & Associates, Silicon Valley Expert Witness Group v. Hutchinson Technology, Inc.: Before the U.S. District Court, Northern District of California, Case No. C-01-3847; retained by counsel for defendant in the Manufacturing: Computer Peripheral Equipment industry (Disk Drives).

Avery Dennison Corp. v. Minnesota Mining and Manufacturing Company: Before the U.S. District Court, District of Delaware, Case No. 01-125; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Coatings industry (Light-reflecting Material).

Arm Limited v. PicoTurbo, Inc.: Before the U.S. District Court, Northern District of California, Oakland Division, Case No. C-00-00957 CW; retained by counsel for plaintiff, re: reasonable royalty damages, lost profit damages and price erosion damages in the Information Services: Software industry (RISC Cores). Deposited 10/9/2001 and 10/10/2001.

Vince O'Brien Litigation Experience

IP - Patent Infringement

Lucent Technologies Inc., v. Aspect Telecommunications Corp.: Before the U.S. District Court, Eastern District of Pennsylvania, Case No. 97-CV-1618; retained by counsel for defendant, re: lost profits & reasonable royalty damages in the Manufacturing: Telecommunications industry.

Pitney Bowes Inc. v. Bell & Howell Company, Bell & Howell Mail Processing Systems Company: Before the U.S. District Court, District of Delaware, Civil Action No. 99-263; retained by counsel for plaintiff, re: lost profit damages and reasonable royalty in the Manufacturing: Machinery industry (Package Sorting Systems).

ALZA Corporation v. Baxter Travenol Laboratories, Inc., et al.: Before the American Arbitration Association, San Francisco, California, Case No. 74-133-0691-98; retained by counsel for claimant, re: lost profit damages and reasonable royalty in the Manufacturing: Medical Equipment industry (IV Apparatus).

LG Electronics Inc. v. NEC Corporation, NEC USA, Inc., NEC Electronics Inc. and Packard Bell NEC, Inc.: Before the U.S. District Court, Northern District of California, San Francisco Division, Case No. C98-03624 MMC; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Semiconductor industry (Flat Panel Displays).

Xerox Corporation v. Hewlett-Packard Company & Cross Complaint: Before the U.S. District Court, Western District of New York, Case No. 98-CV-6217 T & 98-CV-6430T; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Computers & Electronic Products industry (Inkjet Printers). Deposed 7/16/1999.

Harris Corporation and Harris Semiconductor Patents, Inc. v. Macronix International Co., Ltd.; and Winbond Electronics Corp.: Before the U.S. District Court, Eastern District of Virginia, Alexandria Division, Civil Action No. 98-1592-A; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Semiconductor industry (Memory Chips). Deposed 7/6/1999 and 7/7/1999.

John Taboada v. Stephen L. Trokel, VISX, Inc., VISX Partner, Inc., Summit Partner, Inc., Pillar Point Partners, Inc. and Summit Technology Inc.: Before the U.S. District Court, Western District of Texas, San Antonio Division, Civil Action No. SA-97-CA-0794-FB; retained by counsel for plaintiff, re: unjust enrichment damages and lost profit damages in the Manufacturing: Medical Equipment industry (Laser Eye Surgery). Deposed 7/29/1999 and 7/30/1999.

Stanford Telecommunications, Inc. v. Broadcom Corporation: Before the U.S. District Court, Northern District of California, San Jose Division, Case No. C 96 21072 RMW (PVT) ENE; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Semiconductor industry (DSL Modem Chips). Deposed 3/3/1999.

Asyst Technologies, Inc. v. Empak, Inc., Emtrak Inc., Jenoptik AG, Jenoptik Infab, Inc., and Meissner + Wurst GmbH: Before the U.S. District Court, Northern District of California, San Jose Division, Civil Action No. C-98-20451 (JF); retained by counsel for defendants, re: lost profit damages and reasonable royalty in the Manufacturing: Semiconductor Machinery industry (Wafer Processing Equipment). Deposed 1/19/1999 and 1/27/1999. Testified 1/29/2007.

Harris Corp and Harris Semiconductor v. Siemens AG, Siemens Corp and Siemens Microelectronics: Before the United States District Court, Eastern District of Virginia: Alexandria Division, Civil Action No. 97-1756-A; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Semiconductor industry (Memory Chips - DRAMs).

Hyundai Electronics Industries Co., Ltd. v. Harris Corporation: Before the U.S. District Court, Eastern District of Virginia, Alexandria Division, Case Nos. CA-97-190A and CA-97-191-A; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Semiconductor industry (Memory Chips). Deposed 7/21/1997.

Vince O'Brien Litigation Experience

IP - Patent Infringement

Biogenex Laboratories v. Biotek Solutions: Before the U.S. District Court, Northern District of California, Case No. C95 0810 THE, C 96-20151 EAI; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Pharmaceutical & Medicine industry (Diagnostic Kits). Testified 5/9/1997.

Harris Corp v. IXYS Corp.: Before the U.S. District Court, Northern District of California, Civil Action No. C94 3305 WHO; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Semiconductor industry (IGBT's).

Performix, Inc. v. Mercury Interactive Corp., Styx Systems and Joel Dietrich: Before the U.S. District Court, Eastern District of Virginia, Alexandria Division, Case No. 95-1150-A; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Professional, Scientific & Technical Services: Software industry (System Testing). Deposed 1/31/1996.

Target Therapeutics, Inc. v. Scimed Life Systems, Inc. and Cordis Endovascular Systems, Inc.: Before the U.S. District Court, Northern District of California, No. C 94 20775 EAI; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Medical Equipment industry (Cardiovascular Catheters).

Tekmax, Inc. and Neids, Inc. v. Exide Corporation: Before the U.S. District Court, District of Oregon, Case No. CV 95-32-HA; retained by counsel for plaintiff, re: lost profit damages and reasonable royalty in the Manufacturing: Industrial Machinery industry (Battery Production). Testified 7/29/1996 and 7/30/1996.

Hoffmann La-Roche and Roche Molecular Systems v. Promega Corp.: Before the U.S. District Court, Northern District of California, Case No. C-93-1748-VRW; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Pharmaceuticals & Medicine industry (TAG Enzyme).

Alamar Biosciences v. Difco Laboratories and Pasco Laboratories: Before the U.S. District Court, Eastern District of California, CV-S-94-1856 DFL PAN; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Pharmaceuticals & Medicine industry (Antibiotic Susceptibility Test).

DSC Communications and DSC Technologies v. Alan E. Negrin, Henri Sulzer, Advanced Fiber Communications and Quadrium Corp and Counterclaim: Before the United States District Court of Texas, Marshal Division, Case No. 2-93-CV126; retained by counsel for plaintiff, re: lost profit damages and company valuation (lost market value) in the Manufacturing: Telecom Equipment industry (Universal Modular Carrier).

Monarch Marking Systems, Inc. v. NCR Corporations: Before the U.S. District Court, Southern District of Ohio, Western Division, Civil Action No. C-3-93-86; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Computer Peripheral Equipment industry (Cartridges for Bar Code Printers). Deposed 4/7/1994 and 4/8/1994.

Travelers Express Company v. American Express Company: Before the U.S. District Court, District of Minnesota, Civil Action No. 4-91-813; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Finance: Credit Intermediation industry (Money Orders).

Stac Electronics v. Microsoft Corporation: Before the U.S. District Court, Central District of California, Civil Action No. 93 0413 (LGB); retained by counsel for plaintiff, re: lost profit damages in the Information Services: Software industry (Data Compression).

Atasi Corp, Atasi Trust, Paul L. Farmer, Kenneth Broadbent v. Seagate Technology, Western Digital Corp, Western Digital Singapore: Before the U.S. District Court, Northern District of California, San Jose Division, Civil Action No. C-84-20716 WAI; retained by counsel for plaintiff in the Manufacturing: Computer Peripheral Equipment industry (Disk Drives). Deposed 3/18/1992.

Vince O'Brien Litigation Experience

IP - Patent Infringement

Tencor Instruments v. Eastman Technology, Inc. and Estek Instrumentation Systems Division: Before the U.S. District Court, Northern District of California, Civil Action No. C 89 20430; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Wafer Processing Equipment industry (Quality Assurance Machines).

Weldotron Corp. v. Hobart Corp., and Waldyssa, S.A.: Before the U.S. District Court, District of New Jersey, Civil Action No. 86-2097 and 86-2098; retained by counsel for defendant, re: lost profit damages and reasonable royalty in the Manufacturing: Commercial Equipment industry (Meat Wrapping Machines).
Deposed 5/29/1990, 5/30/1990, 5/31/1990 and 6/1/1990.

Polaroid Corp. v. Eastman Kodak Co.: Before the U.S. District Court, District of Massachusetts; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Cameras industry (Instant Photography).

IP - Theft of Trade Secrets

Charles Schwab & Co. v. GPS Capital Management, LLC, Dennis Chen and Daniel Wu: Before the Superior Court of the State of California, County of San Francisco, Case No. 450356; retained by counsel for plaintiff in the Finance: Securities industry (Brokerage Services). Deposed 10/8/2007.

David Lezak v. Expand Cellular, Inc.; System Development, Inc.; Defense Group, Inc.; William C. Newton; Notwen Corporation: WCN/GAN Partners, Inc., et al.: Before the Circuit Court of the State of Oregon, County of Multnomah, No. 0212-12947; retained by counsel for defendant, re: lost profit damages and unjust enrichment damages in the Professional, Scientific & Technical Services: Custom Software Development industry (Cellular Phone Software).

Pioneer Hi-Bred International Inc. v. Syngenta Seeds Inc.: Before the U.S. District Court, Southern District of Iowa, Case No. 4-98-VC-90576; retained by counsel for defendant, re: unjust enrichment damages, lost profit damages and reasonable royalty in the Agriculture: Oilseed and Grain Farming industry (Hybrid Seed Corn).

Silvaco Data Systems, Inc. v. Aliaksandr Viacheslavovich Antonau, Nikolay Rubanov, Circuit Semantics Inc. and Related Cross Complaint: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV 790514 (as consolidated with CV 790196); retained by counsel for defendants, re: reasonable royalty and unjust enrichment damages in the Information Services: Software Publishing industry (EDA Tools - Circuit Simulation Software). Deposed 8/2/2003.

Optical Coating Laboratory, Inc. v. Cierra Photonics Inc.: Before the Superior Court of the State of California, County of Sonoma, Case No. 225419, re: unjust enrichment damages, lost profit damages and reasonable royalty in the Manufacturing: Communications equipment industry (Optical Multiplexers).

Rodolfo Di Massa, M.D., and Karl Nigg, individually and on behalf of Stentor International. v. Simon Stertzer, M.D., Michael Boneau, and Medtronic Arterial Vascular Engineering et al.: Before the Superior Court of the State of California, County of Sonoma, Case No. 222363; retained by counsel for plaintiff, re: reasonable royalty in the Manufacturing: Medical Equipment industry (Coronary Stents). Deposed 3/12/2002.

People of the State of California v. Avant! Corporation: Before the Superior Court of the State of California, County of Santa Clara, Case No. 210570; retained by counsel for intervenor, Cadence, re: lost profit damages and reasonable royalty in the Information Services: Computer Software industry (Place & Route Software).
Testified 6/25/2001, 6/26/2001 and 7/10/2001.

KLA-Tencor v. Riggs System Inc.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV-787420; retained by counsel for defendant, re: valuation in the Professional, Scientific & Technical Services: Engineering Design industry (Circuit Design & Fabrication).

Vince O'Brien Litigation Experience

IP - Theft of Trade Secrets

ABB Power T&D Company Inc. v. Alstom ESCA Corporation, et al.: Before the U.S. District Court, Northern District of California, San Jose Division, Case No. C99-021242 SW PVT NE; retained by counsel for defendant, re: lost profit damages in the Information Services: Software industry (Electric Utility Management). Deposed 3/28/2001.

Pioneer Hi-Bred International, Inc. v. Cargill Inc.: Before the U.S. District Court, Southern District of Iowa (Central), 4-98-CV-90576; retained by counsel for defendant, re: lost profit damages, reasonable royalty and unjust enrichment damages in the Agriculture: Oilseed and Grain Farming industry (Hybrid Seed Corn).

Ronald E. Chasteen, Pacer Industries, Inc. and Injection Research Specialists, Inc. v. Unisia Jecs Corp., Suzuki Motor Corp., Artic Cat, Inc. and Artic Cat Sales, Inc.: Before the U.S. District Court, District of Colorado, Civil Action No. 97-Z-2606; retained by counsel for defendant, re: reasonable royalty in the Manufacturing: Transportation Equipment industry (Snowmobiles).

Communications Corporation, dba Communications Diversified v. General Motors Corporation: Before the Supreme Court for the State of New York, County of New York, Case No. 106635/93; retained by counsel for plaintiff, re: lost profit damages and unjust enrichment damages in the Professional, Scientific & Technical Services: Consulting Services industry (Affinity Credit Card). Testified 4/21/1997 and 4/22/1997.

MacCready & Gutmann Insurance Services, Inc. & MacCready & Gutmann Insurance Services (Ohio) Inc. v. Dean Williams, Republic Western Insurance Company and Republic Western Specialty Underwriters: Before the Court of Common Pleas, Cuyahoga County, Ohio, Case No. 316810; retained by counsel for plaintiff, re: lost profit damages in the Finance: Insurance industry (Brokerage).

Cistron Biotechnology, Inc. v. Immunex Corporation: Before the U.S. District Court, District of Washington at Seattle, Civil Action No. C93-1742WD; retained by counsel for defendant, re: unjust enrichment damages in the Manufacturing: Pharmaceuticals & Medicine industry (Genetically-Engineered Wound Healing Agent). Deposed 8/29/1996 and 8/30/1996.

Rudolph and Sletten, Inc. v. DPR Construction, Inc., et al.: Before the Superior Court of the State of California, County of San Mateo, Case No. 384052; retained by counsel for defendants, re: lost profit damages and unjust enrichment damages in the Construction: Commercial industry (Hi-Tech Manufacturing Facilities). Deposed 5/10/1996, 5/13/1996, 5/14/1996 and 5/15/1996.

Lewis Galoob Toys, Inc. v. Nintendo of America Inc. and Related Cross Complaint: Before the U.S. District Court, District of Northern California, Case No. C-90-1440-FMS and C-90-1586-FMS; retained by counsel for plaintiff, re: lost profit damages in the Professional, Scientific & Technical Services: Software industry (Computer Games). Deposed 11/21/1991. Testified 1/1/1990.

Cool Lite Co. v GTE Products Co.: Before the U.S. District Court,; retained by counsel for defendant, re: damages in the Manufacturing: Electrical Equipment industry (Movie Lights).

IP - Trademark Infringement

Government Employees Insurance Co. v. Google, Inc. and Overture Services, Inc.: Before the U.S. District Court, Eastern District of Virginia, Alexandria Division, Civil Action No. 1:04cv507 LMB/TCB; retained by counsel for defendant, re: lost profit damages and unjust enrichment damages in the Information Services: Internet Search Portals industry (Advertising). Deposed 11/29/2004.

Vince O'Brien Litigation Experience

Lender Liability

California Micro Devices, Inc. v. Van Kampen Merritt, Xerox Financial Services Corporation et al: Before the Superior Court of the State of California, County of Santa Clara, 685839; retained by counsel for defendant, re: damages in the Manufacturing: Semiconductor industry (Microprocessors).

American Aviation Industries, Inc. v. General Electric Credit Corporation et al: Before the Superior Court of the State of California, County of Los Angeles, Case No. NWC 039965; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Aircraft industry (Jet Engines).

Victor Kacalek, Jr. etc. v. American Savings & Loan Association, Mason-McDuffie Investment Co. etc.: Before the Superior Court of the State of California, County of San Joaquin; retained by counsel for cross-defendant.

Non-Litigation Consulting

Analysis of the financial impacts on GTE SPRINT of a proposed nationwide regulatory rule in the Information Services: Telecommunications industry (Long Distance Service).

Chicago Fiber Optic business plan for the Investment Bankers, Rodman & Renshaw in the Information Services: Wired Telecommunications Carriers industry (Local Access).

"Report on EPA's Retail Price Equivalent Methodology" for the United States Environmental Protection Agency, September 21, 1984" in the Manufacturing: Motor Vehicles industry (Trucks).

Antitrust liability study of the market for dental insurance in the State of Washington in the Finance: Insurance industry (Dental Plans).

Vince O'Brien Litigation Experience

Other

Fritzi Benesch v. Valli Benesch Tandler, Robert Tandler, William L. Hoisington and Orrick, Herrington, Sutcliffe LLP: Before the Superior Court of the State of California, County of San Francisco, Case No. CGC-00-317187; retained by counsel for defendant in the Manufacturing: Apparel industry (Women and Children's Apparel). Deposed 9/29/2008. Testified 12/26/2008.

Industrial Risk Insurers v. US Posco; retained by counsel for plaintiff in the Manufacturing: Steel Mill Products industry (Cold Rolled Sheet and Tin Plate).

Loral Aerospace Holdings, Inc. v. Continental Satellite Co.; Intraspace Corp.; Compression Labs, Inc.; Nevada Direct Broadcasting System, Inc.; et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV 755366; retained by counsel for defendant in the Information Services: Cable & Other Subscription Programming industry (Satellite Broadcasting).

Cadiz Land co. v. Waste Management, Inc., Waste Management of North America, Inc., Franklin Glen Odell, Stuart Clark, Jacobs Engineering et al.: Before the U.S. District Court, Central District of California, Case No. CV 97-7827 WMB (MANx); retained by counsel for plaintiff in the Waste Management & Support Services: Solid Waste Disposal industry (Sanitary Landfill).

United States of America v. 21.35 Acres of Land: Before the U.S. District Court, Northern District of California, Case No. C-87-4833 VRW; retained by counsel for defendant, re: appropriate discount rate in the Forestry: Forest Tract Operations industry (Redwood Trees).

Hock Investment Co. and Fred Hock v City of San Francisco.

P. S. Hurlbut, Inc. v. Acurex Corp.: Before the U.S. District Court, Northern District of California, Case No. C86 20627 (RPA); retained by counsel for plaintiff, re: damages and valuation in the Real Estate: Industrial Building Leasing industry (Environmental Contamination). Deposed 4/13/1989.

Arcata Corp. v. U.S.; retained by counsel for plaintiff, re: appropriate interest rate in the Agriculture: Forestry & Logging industry (Redwood Trees).

Tillie Lewis Estate; retained by counsel for defendant, re: Estate Valuation in the Manufacturing: Fruit & Vegetable Canning industry (Tomatoes).

Personal Injury

Susan B. Jordan v. Theodore Jacobson, D.D.S., Jeffery L. Wing, D.D.S., Robert S. Koshiyaya, D.D.S., Paul Feldstein, D.D.S. et al.: Before the Superior Court of the State of California, County of San Francisco, Case No. 945090; retained by counsel for plaintiff, re: lost income in the Professional, Scientific & Technical Services: Legal Services industry (Criminal Defense). Deposed 8/16/1994.

Product Liability

In Re: GCC Richmond Works Cases: Before the Superior Court of the State of California, County of Contra Costa, J.C.C.P. No. 2906; retained by counsel for defendant, re: reasonableness of settlement in the Manufacturing: Chemicals industry (Toxic Release). Deposed 9/28/1995.

TRW v. GTE Sylvania; retained by counsel for defendant, re: lost profit damages in the Manufacturing: Computers & Electronic Products industry (Telecommunications Satellite).

In RE: Complex DES Litigation: Before the Superior Court of the State of California, County of San Francisco, Department Five, Case No. 830-109; retained by counsel for defendant Emons, re: allocation of class damages using market shares in the Manufacturing: Pharmaceuticals & Medicine industry (Placebo Given During Pregnancy). Testified 4/22/1985 and 4/23/1985.

Vince O'Brien Litigation Experience

Regulatory Matter

Inquiry of the Oklahoma Corporation Commission concerning the development of Intrastate Access Charges: Before the Corporation Commission of the State of Oklahoma, Cause No. 28309; retained by counsel for GTE SPRINT Communications Corporation, re: lump-sum NTS cost recovery plans in the Information Services: Telecommunications industry (Long Distance Service).

In the matter of the Application of Pacific Bell for authority to increase certain rates and charges: Before the Public Utilities Commission of the State of California, Application Nos. 85-01-034, 1.85-03-078; retained by counsel for US SPRINT Communications Company, re: Pacific Bell Intra-LATA MTS rates in the Information Services: Telecommunications industry (Long Distance Service).

In the matter of the Application of The Pacific Telephone and Telegraph Company for authority to increase certain intrastate rates and charges: Before the Public Utilities Commission of the State of California, Applications Nos. 83-06-65, OII 83-04-02; retained by counsel for GTE SPRINT Communications Corporation, re: access charges, local transport and intercept rate structures in the Information Services: Telecommunications industry (Long Distance Service). Testified 9/25/1986.

Washington Utilities and Transportation Commission v. Pacific Northwest Bell Telephone Company et al.: Before the Washington Utilities and Transportation Commission, Cause No. U-85-23, et al.; retained by counsel for GTE SPRINT Communication Corporation, re: lump-sum NTS cost recovery plans in the Information Services: Telecommunications industry (Long Distance Service). Testified - date unknown.

Washington Utilities and Transportation Commission v. AT&T Communications of the Pacific Northwest: Before the Washington Utilities and Transportation Commission, Cause No. U-85-26; retained by counsel for GTE SPRINT Communications Corporation, re: AT&T WATS rates in the Information Services: Telecommunications industry (Long Distance Service). Testified - date unknown.

Inquiry of the Oklahoma Corporation Commission Concerning Blocking of Unauthorized IntraLATA Traffic and Methods of Verifying Intrastate traffic: Before the Corporation Commission of the State of Oklahoma, Cause No. 29688; retained by counsel for GTE SPRINT Communications Corporation, re: blocking of and compensation for unauthorized traffic in the Information Services: Telecommunications industry (Long Distance Service). Testified 8/8/1985 and 8/9/1985.

Investigation of Application of GTE Sprint Communications Corporation for Certificate of Public Convenience and necessity to Offer Intrastate toll Service: Before the Public Service Commission of Wisconsin, Docket No. 2415-NC-1; retained by counsel for applicant, GTE SPRINT Communications Corporation, re: jurisdictional reporting of telephone traffic in the Information Services: Telecommunications industry (Long Distance Service). Testified 3/6/1985.

Investigation concerning the appropriate methodology for the calculation of intrastate access charges: Before the Illinois Commerce Commission, Docket No. 83-0142; retained by counsel for applicant, GTE SPRINT Communications Corporation, re: jurisdictional reporting of telephone traffic in the Information Services: Telecommunications industry (Long Distance Service). Testified 3/8/1985.

Inquiry into Inter and IntraLATA Interstate Competition in Toll And Related Services Market: Before the Public Service Commission of the Commonwealth of Kentucky, Case No. 273; retained by counsel for applicant, GTE SPRINT Communications Corporation, re: jurisdictional reporting of telephone traffic in the Information Services: Telecommunications industry (Long Distance Service). Testified 12/11/1984.

In the Matter of the Applications of the Pacific Telephone and Telegraph Company, Nos. 83-01-22, 82-11-07, 83-06-65, OII 83-11-07: Before the Public Utilities Commission of the State of California; retained by counsel for intervenor, GTE SPRINT Communications Corporation, re: jurisdictional reporting of telephone traffic in the Information Services: Telecommunications industry (Long Distance Service). Deposed 10/5/1984.

Vince O'Brien Litigation Experience

Securities - Australia

Nine on-going and settled confidential matters involving allegations of breaches of continuous disclosure requirements potentially before various Australian Courts and/or the Australian Securities and Investment Commission.

Allen Rodney Woodcroft-Brown v. Timbercorp: Before the Supreme Court of Victoria at Melbourne, SCI 2009 09807; retained by counsel for respondent, re: class action damages in the Finance: Other Financial Investments industry (Orchards & Timber).

Clime Capital v Credit Corp Group: Before the Federal Court of Australia, New South Wales District Registry, NSD 1994/2008; retained by counsel for respondent, re: class action damages in the Administrative Support Services: Business Services industry (Bill Collection).

John Watson & Anor v AWB Ltd.: Before the Federal Court of Australia, New South Wales Registry, NSD 2020 OF 2007; retained by counsel for respondent, re: class action damages in the Agriculture: Export Sales industry (Grain Sales to Iraq).

Taylor v. Telstra Ltd: Before the Federal Court of Australia, New South Wales District Registry, No. NSD 89 of 2006; retained by counsel for respondent, re: class action damages in the Utilities: Telecommunications industry (Local, Long Distance and Broadband Communications).

Securities - Breach of Fiduciary Duty

Richard Larsen v. Salomon Smith Barney, et al.: Before the Superior Court of the State of California, County of Ventura; retained by counsel for plaintiff, re: damages in the Finance: Brokerage industry (Bonds).

Robert M. Damir, Trustee of the Chapter 7 Bankruptcy Estate of Lectus, Inc. v. Hambrecht & Quist, Montgomery Medical Ventures, Allstate Insurance, Vencor Investments, et al.: Before the Superior Court of the State of California, County of San Francisco, Case No. 984726; retained by counsel for defendant, re: damages in the Manufacturing: Laboratory Apparatus and Furniture Manufacturing industry (Specialty Hospital Beds).

Martin R. Pollner, Trustee of the Lomas Financial Corporation/Lomas Mortgage USA Joint Litigation Trust v. Ernst & Young, Jess T. Hay, Robert E. Byerley, Jr., et al.: Before the 191st Judicial District Court of the State of Texas, County of Dallas, Case No. 97-08756; retained by counsel for defendants, re: damages in the Finance: Credit Intermediation industry (Loan Servicing).

Jenny Jordan, et al. v. Colorado National Bank, et al.: Before the Superior Court of the State of California, County of Sonoma, Case No. 211224; retained by counsel for plaintiff, re: damages related to fund mismanagement in the Finance: Investing industry (Trust Management). Deposed 2/19/1997. Testified 5/6/1998.

Leonard K. Firestone, et al. v. Ameritrust: Before the Cuyahoga County Court of Common Pleas; retained by counsel for plaintiffs, re: damages in the Finance: Trust Management industry.

Idanta Partners v. Ratner Clothes; retained by counsel for plaintiff, re: Going Private Valuation in the Manufacturing: Apparel industry (Men's Suits).

Vince O'Brien Litigation Experience

Securities - Class Action

In re Paramalat Securities Litigation: Before the U.S. District Court, Southern District of New York, Master Docket 04-MD-1653 (LAK) ECF; retained by counsel for defendant, re: 10b5 damages in the Agriculture: Food Processing industry (Dairy Products). Deposed 9/11/2007.

iXL Enterprises Securities Litigation; retained by counsel for defendants, re: 10b-5 damages.

In Re: Clarus Securities Litigation: Before the U.S. District Court, Northern District of Georgia, Atlanta Division, Civil Action File No. 1:00-CV-2841-CAP; retained by counsel for defendants, re: 10b-5 damages in the Information Services: Software Publishing industry (Internet Procurement Software).

Larry B. Seegar v. Homestore.com, Inc., Stuart H. Wolff, Peter B. Tafeen, John M. Geiseche, Jr. and Joseph J. Shew: Before the U.S. District Court, Central District of California, Western Division, Case No. 02-00544fbock; retained by counsel for defendant, re: class certification and 10b-5 damages in the Information Services: On-line Information Access industry (Residential Real Estate).

Dennis Chu, et al. v. Sabratek Corporation, KPMG et al.: Before the U.S. District Court, Northern District of Illinois, Eastern Division, Case No. 99C-0351; retained by counsel for defendant, re: class certification in the Manufacturing: Medical Devices industry.

In Re: Miller Industries, Inc. Securities Litigation: Before the U.S. District Court, Northern District of Georgia, Master File No. 1:97-CV-2811 (TWT); retained by counsel for defendant, re: class certification and 10b-5 damages in the Manufacturing: Motor Vehicles industry (Tow Trucks). Deposed 2/23/2000.

Mitchell Greb et al. v. Navigant Consulting et al.: Before the U.S. District Court, Northern District of Illinois, Case No. 99C 7669; retained by counsel for defendant, re: 10b-5 damages in the Professional, Scientific & Technical Services: Management Consulting industry.

Craig Alexander, et al. v. CUC International, Inc. and Cendant Corporation: Before the U.S. District Court, District of New Jersey, Master File No. 99-CV-3993 (WHW); retained by counsel for defendant, re: damages in the Information Services: Software industry (Computer Games). Deposed 10/16/2007.

Sheldon Kriegel, Michael Tsenter and Harold Wallach, on behalf of themselves and all others similarly situated v. Pacific Scientific Company, Edgar S. Brower, Richard V. Plat and John M. Ossenmacher: Before the U.S. District Court: Central District of California, Case No. SA CV-96-975 LHM (EEx); retained by counsel for defendants, re: 10b-5 damages in the Manufacturing: Semiconductor industry (Dimmable Fluorescent Light Bulb).

John Bryant et al v. Apple South, Inc. et al.: Before the U.S. District Court, Middle District of Georgia, Athens Division, Civil Action No. 3:97-CV-83 (DF); retained by counsel for defendant, re: class certification, market efficiency and 10b-5 damages in the Accommodations & Food Services: Full-Service Restaurants industry (Family-Style Restaurants).

Ronda Morganstein, et al. v. Aura Systems, Inc., et al.: Before the U.S. District Court, Central District of California, 97-3103-SVW(Mcx); retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Electrical Equipment industry (Electromagnetic Equipment and Multimedia Cards).

Bulwa et al. v. Paradigm Technology, Paine Weber, et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV759991; retained by counsel for defendant, re: 10b-5 damages.

In Re: Interactive Networks Securities Litigation: Before the U.S. District Court, Northern District of California, Case No. C95-0026-DLJ; retained by counsel for defendant, re: 10b-5 damages in the Information Services: Cable & Other Program Distribution industry (interactive TV).

Vince O'Brien Litigation Experience

Securities - Class Action

Linda Upton v. George W. McKerrow, Jr., Ronald P. Sheehan, Ronald W. San Martin, J. William Norman, George W. McKerrow, Sr., J.C. Bradford & Co., The Robinson-Humphrey Company, Inc. and Longhorn Steaks, Inc.: Before the U.S. District Court, Northern District of Georgia, Atlanta Division, Case No. 94-CV-0353-MHS; retained by counsel for defendants, re: class certification and 10b-5 damages in the Accommodations & Food Service: Food Service industry (Family Restaurants).

Mathis Weingarten, et al. v. James M. Schlater, et al. and Molecular Dynamics: Before the U.S. District Court of Northern California, San Jose Division, Case No. C-94 20270 WAI; retained by counsel for defendant, re: class certification and 10b-5 damages in the Manufacturing: Medical Equipment industry (DNA Sequencing Systems).

General Development Corporation Securities Litigation: Before the U.S. District Court, Southern District of Florida, Miami Division, Case No. 90-0691-Civ-Marcus; retained by counsel for defendant, re: 10b-5 damages in the Construction: Condominium & Single-Family Contractors industry (Housing Developments).

Senatorial Testimony 1993: Before the Securities Subcommittee of the Senate Committee on Banking, Housing, and Urban Affairs, re: Securities - Class Action Reform. Testified 6/17/1993.

In Re: Fidelity Medical Securities Litigation: Before the U.S. District Court of New Jersey, Master File No. 92-1908; retained by counsel for defendants, re: 10b-5 damages in the Manufacturing: Electromedical Apparatus Manufacturing industry (Proprietary Medical Devices).

James Alemeida et al. v. Peat, Marwick, Mitchell & Co, et al.: Before the Superior Court of the State of California, County of Alameda, Case No. 668436-9, 668491-6, 697648-7 & 698772-1; retained by counsel for defendant, re: 10b-5 damages in the Finance: Commercial Banking industry. Deposed 4/6/1993.

James Almeida, et al. v. Bank of the West, et al.: Before the Superior Court of the State of California, County of Alameda, Case No. 698772-1; retained by counsel for defendants Bank of the West and Michael G. Rafton, re: 10b-5 damages in the Finance: Commercial Banking industry.

Ramtek v. Seidler Amtec Securities: Before the U.S. District Court, Northern District of California, Master File C-88-20195 RPA (C-88-20195 & C-89 20406; retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Computer Peripheral Equipment industry (Game Boards). Deposed 10/10/1991.

Congressional Testimony 1991: Before the Telecommunications and Finance Subcommittee of the House Committee on Energy and Commerce: Before the Telecommunications & Finance Subcommittee of the House Committee on Energy and Commerce, re: Securities - Class Action Reform. Testified 12/1/1991.

In Re: Daisy Systems Securities Litigation: Before the U.S. District Court, Northern District of California, San Jose Division; retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Computer Peripheral Equipment industry (Printers).

Alice Heideman and William B. Weinberger v. Xebec Corp., et al.: Before the U.S. District Court, Northern District of California, San Jose Division, Civil Action No. C-86-20024-SW; retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Computer Storage Device Manufacturing industry (Disk Drive Controllers).

Edgar Dannenberg, et al. v. Towle Manufacturing Co.; retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Jewelry & Silverware Manufacturing industry (Silverware).

M. Kornfeld, et al. v. First City Bancorporation of Texas et al.: Before the U.S. District Court, For the Southern District of Texas, Houston Division, Civil Action No.H-87-4113; retained by counsel for defendant, re: 10b-5 damages in the Finance: Banking industry (Commercial and Real Estate Lending).

Marc Goldberg, et al. v. Americana Hotels & Realty Corp., Americana Hotels: Before the U.S. District Court, For The District Of Massachusetts, Civil Action No. 86-3166-Y; retained by counsel for defendant, re: 10b-5 damages in the Accommodations & Food Service: Hotels industry (Resort).

Vince O'Brien Litigation Experience

Securities - Class Action

Richard L. Sharp et al. v. Tymshare Inc, et al.: Before the U.S. District Court, Northern District of California, Case No. C-84-6739-THE; retained by counsel for defendant, re: damages in the Information Services: Data Processing, Hosting and Related Services industry (Computer Time Sharing).

Arthur Schwartz, et al. v. Vector Graphic, Inc.; retained by counsel for defendant, re: 10b-5 damages in the Manufacturing: Computers & Electronic Products industry (Graphics Boards).

In Re: ITEL Securities Litigation: Before the U.S. District Court, Northern District of California, Case No.3-81-00111; retained by counsel for defendant, re: 10b-5 damages in the Real Estate: Commercial Equipment Leasing industry (Mainframe Computers).

Vince O'Brien Litigation Experience

Securities - Fraud

In re Countrywide Financial Corp. Securities Litigation: Before the U.S. District Court, Central District of California, Case No. 07-CV-005295-MRP (MANx); retained by counsel for defendant, re: Section 11 proportionate damages in the Finance: Credit Intermediation industry (Mortgage Company).

Silver Valley Partners, LLC; Sterling Mining Company et al v. Ray De Motte et al: Before the U.S. District Court, Idaho, CV06-00429EJL; retained by counsel for plaintiff in the Mining: Silver ores mining and/or beneficiating industry.

In Re Enron Corporation Securities Litigation: Before the U.S. District Court, Southern District of Texas, Houston Division, Consolidated Civil Action No. H-01-3624; retained by counsel for defendant (Banks), re: lost profit damages in the Utilities: Electric Power Distribution industry. Deposed 12/13/2006.

United States of America v. Phillip E. White: Before the U.S. District Court, Northern District of California, San Francisco Division, CR-02-0375-SI; retained by counsel for debtor, re: Trading patterns in the Information Services: Software Publishing industry (Database Software).

Marion Bass Securities Corp. and Gerald Chandik Respondents: Before the Securities and Exchange Commission, Administrative Proceeding File No. 3-9471; retained by counsel for respondent, re: trading patterns, restitution damages and valuation in the Finance: Investment Banking & Securities Dealing industry (Municipal Bonds).

Louis J. Petralli, Jr., James R. Wittkopp, Ronald R. Siebert, William Petralli and Holger T. Sommer v. Pacific Scientific Company (now Met One), Edgar S Brower and Richard V. Plat: Before the Superior Court of the State of California, County of Orange, Case No. 772867; retained by counsel for defendants, re: valuation in the Manufacturing: Semiconductor industry (Dimmable Fluorescent Light Bulb). Deposed 5/13/1998.

Securities & Exchange Commission v. Dimples Group, Inc., J. Douglas Elliot and Robert G. Reid: Before the U.S. District Court, Northern District of California, Case No. C94-3463-MJJ; retained by counsel for plaintiff, re: liability and materiality in the Wholesale Trade: Non-Durable Goods industry (Diapers).

Vincent Hillsdon et al. v. Original Pub Soda Company of America et al.; retained by counsel for plaintiff, re: damages in the Manufacturing: Soft Drink Beverages industry.

In re Media Vision Technology.: Before the U.S. District Court, Northern District of California, C-94-1015-EFL, re: liability and damages in the Manufacturing: Computer Peripheral Equipment industry (Sound and Media Cards).

Estate of Technical Equities v. Harry C. Stearns; Bear Stearns; et al.: Before the Superior Court for the State of California, County of Santa Clara, Case No. 600306; retained by counsel for plaintiff, re: Stock Price Manipulation. Deposed 9/10/1992.

Vince O'Brien Litigation Experience

Securities - Fraud

Wells Submission to the Securities and Exchange Commission; retained by counsel for defendant, re: Insider Trading.

Warren D. Klawans v. E. F. Hutton et al.: Before the U.S. District Court, Southern District of Indiana, Indianapolis Division, Cause No. IP 83-680-C; retained by counsel for defendant in the Mining: Well Drilling industry (Oil Exploration).

Layman, et al. v. Combs: Before the Court of the Northern District of California; retained by counsel for plaintiff, re: Private Placement in the Agriculture: Support Activities for Animal Production industry (Thoroughbred Horse Farm).

Securities - Other

Meir Arbel v. Mercury Interactive Corporation; First Interstate Bank of California; Aryeh Finegold, et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. CV-74-3652; retained by counsel for defendant, re: damages related to a share attachment in the Information Services: Software industry (System Testing). Deposed 1/12/1996.

Wrongful Termination

William D. Powell v. United Parcel Service, Inc. et al.: Before the Superior Court of the State of California, County of Sonoma, Case No. 204842, re: damages in the Transportation & Warehousing: Small Package Delivery industry. Deposed 3/12/1995. Testified 3/27/1995.

Max Ramirez v. Daily Journal Corporation, et al.: Before the Superior Court of the State of California, County of San Francisco, Case No. 950013; retained by counsel for defendant.

Paul Kohn v. GTE Governmental Systems Corporation, et al.: Before the Superior Court of the State of California, County of Santa Clara, Case No. 715590; retained by counsel for defendant, re: damages. Deposed 7/2/1993.

Gilbert R. Ashford v. The Dexter Corporation, Dexter Specialty Plastics & Composites Group, Jim Hensel, Does 1 through 50, Inclusive: Before the Superior Court of California, County of Contra Costa, case No. C90-02490; retained by counsel for defendant, re: prudent management in the Manufacturing: Chemicals industry (Specialty Plastics). Deposed 5/21/1991.

Corcoran v. GTE Sprint Communications Corp.: Before the Superior Court of California, County of San Mateo; retained by counsel for defendant, re: damages.

Hamilton v. Activision; retained by counsel for defendant, re: valuation of stock in a privately held company in the Information Services: Software industry (Video Games).