

# Douglas G. Kidder

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## CURRENT EMPLOYMENT

2008 - Present     **Managing Partner**             **OSKR, LLC**                             **Emeryville, CA**  
Patent valuation and business strategy expert with over 25 years of experience analyzing patents, business opportunities and risks. Consult for clients on complex damages and licensing issues with a particular focus on technology companies. [www.oskr.com](http://www.oskr.com)

## PRIOR EXPERIENCE

2014 – 2020     **Adjunct Professor**             **Golden Gate University**             **San Francisco, CA**  
Taught a graduate-level course in the School of Accounting on damages.

2001 – 2007     **Principal**                             **LECG, LLC**                             **Emeryville, CA**

1997 – 1999     Primarily consulted for companies on damages issues arising from allegations of antitrust and intellectual property infringement.

2005             **Office Director**  
Responsible for the operations of a 90-person office including reviews, hiring, firing, promotions, morale and general administration.

2001 - 2005     **Special Assistant to the Chairman, Strategy**  
Advised the Chairman on corporate acquisitions and general strategic direction.

2000 - 2001     **Managing Director**             **SCIENT**                             **San Francisco, CA**  
Joined corporate strategy group to help design and implement a turn-around for this Internet consulting firm. Responsible for company organizational transition.

1999 - 2000     **VP Operations**                     **KENAMEA**                             **San Francisco, CA**  
Helped develop strategy and business plan for an Internet software startup. Managed the operations of the company as we grew from 4 to 25 people.

1996 - 1997     **Principal**                             **MANAGEMENT RESOURCES**             **Berkeley, CA**  
Independent consultant performing due diligence and analyses of startup high-tech business opportunities.

1995 – 1996     **Vice President**                     **WALT DISNEY**                             **Glendale, CA**  
**Business Development**     **IMAGINEERING**  
Evaluated new business ideas for WDI including creative concepts and technology initiatives.

1993 - 1995     **Director**                             **VALSPAR**                             **Chicago, IL**  
Managed the production planning, distribution and I/T functions for the \$200 million Consumer Paint Division.

1992-1993     **Senior Associate**             **BOOZ, ALLEN**                             **San Francisco, CA**  
1990-1991     **Associate**  
1987-1989     **Analyst**

Performed general business strategy and organization assignments across a wide range of industries. Exceptional (second in the history of the firm) promotion granted from Analyst to Associate waiving the usual requirement for an MBA.

1984 - 1986	<b>Lecturer</b>	<b>UC BERKELEY</b>	<b>Berkeley, CA</b>
	Taught an introductory computer science class.		
1986	<b>Chief Engineer</b>	<b>WINDWARD YACHTS</b>	<b>Oakland, CA</b>
	Responsible for the detailed design of custom yachts.		

**OTHER BUSINESS EXPERIENCE**

2013 – Present	<b>Naval Architect</b>		<b>Berkeley, CA</b>
	Design custom rowing shells for open water.		
2001 - 2013	<b>President</b>	<b>MAAS BOAT COMPANY</b>	<b>Richmond, CA</b>
	Purchased, managed and sold a company that manufactures and sells open water rowing shells in the U.S. and around the world. Primary responsibilities were design, management, marketing, finance, and license negotiation.		
2008 – 2012	<b>President</b>	<b>NAOWRC, Inc.</b>	<b>Richmond, CA</b>
	Created a national championship for open water rowing that brought together rowers from around the U.S. and the world.		
2004 – 2011	<b>President</b>	<b>KIDDER RACING</b>	<b>Richmond, CA</b>
	Developed design brief for an innovative one-person sailing skiff. Founded company and was responsible for final design, strategy, marketing and finance.		

**Board Positions**

Skyflow Inc. (former), NextWindow (former), Hero Arts (Advisory Board, former), Trade New Zealand (Advisory Board, former), Berkeley Rowing Club (former)

**Other**

Member of the Licensing Executives Society  
 Member of the National Associate of Business Economists  
 Member of The Sedona Conference  
 Participant in the Stanford IP Roundtable  
 Booz, Allen & Hamilton Professional Excellence Award  
 Outstanding Graduate Student Instructor Award  
 Significant experience evaluating new businesses.

**EDUCATION**

1986	M.Sc., University of California at Berkeley
1983	B.A. with Honors, Amherst College
	Elected to Sigma Xi, National Scientific Honor Society

**PUBLICATIONS & PRESENTATIONS**

“Are Patents Really Options?”, *les Nouvelles Journal of the Licensing Executives Society*, V. 38(4), December 2003.  
 “Most Favored Licensee Clauses: Draining the Swamp” presentation at *Advanced Topics in IP Valuation* to the Intellectual Property Society, July 2004.  
 “Reasonable Royalties by the New Rules”, *Dunn on Damages*, Summer 2011.

“Infringer’s Profits Should Not Be the Focus of Patent Damages Cases”, *Dunn on Damages*, Fall 2011.

“Simply Wrong: The 25% Rule Examined”, *les Nouvelles Journal of the Licensing Executives Society*, December, 2011.

“For Want of Damages the Case was Tossed: Judge Posner’s Ruling in Apple v. Motorola”, *Dunn on Damages*, Fall 2012.

“Nash Bargaining and Patent Damages”, *les Nouvelles Journal of the Licensing Executives Society*, March 2014.

“Lump Sums, Running Royalties and Real Options”, *les Nouvelles Journal of the Licensing Executives Society*, December 2015.

## **Litigation Experience**

Ossur Holdings Inc. and Generation II USA, Inc., v. Bellacure, Inc., Shane Sterling and Maurice Cannon. Before United States District Court, Western District of Washington at Seattle. Civil Action No: 05-CV-01552-CMP. Retained by counsel for plaintiffs, re: lost profits and unjust enrichment due to alleged theft of trade secrets in the medical device industry (osteoarthritis knee braces).

Google, Inc. v. American Blind & Wallpaper Factory, Inc. Before United States District Court, Northern District of California. Case No. C 03-5340 JF EAI. Retained by counsel for plaintiffs re: damages arising from Google's alleged infringement of American Blind & Wallpaper's trademarks.

Comcast Cable Communications Corporation, LLC v. Finisar Corporation. Before United States District Court for the Northern District of California. Case No. C 06-04206 WHA. Retained by counsel for plaintiffs re: damages arising from Comcast's alleged infringement of Finisar patent number 5,404,505.

Carter Bryant, an individual v. Mattel Inc. and Consolidated Actions. Before United States District Court for the Central District of California, Eastern Division. Case No. CV 04-9049 SGL (RNBx) Consolidated with Case No. CV 04-09059 Case No. CV OS02727. Retained by counsel for plaintiff re: damages arising from Mr. Bryant's alleged theft of copyrighted materials, breach of fiduciary duty and theft of trade secrets.

American Airlines, Inc. v. Google, Inc. Before United States District Court for the Northern District of Texas, Fort Worth Division. Case No. 4-07CV-487-A. Retained by counsel for defendant re: damages arising from Google's alleged infringement of American Airline's trademarks.

H. Richard Dallas, Shareholder Representative for dMarc v. Google Inc. Before JAMS, reference #1100054656. Retained by counsel for defendant re: damages arising from a breach of contract claim arising from Google's acquisition of dMarc.

Flashseats, LLC. v. Paciolan Inc. Before United States District Court, District of Delaware. Case No. CA 07-575 (JJF). Retained by counsel for defendant re: damages arising from Paciolan's alleged infringement of Flashseats' patent number 6,496,809.

Charlotte Russe Holding, Inc. v. Versatile Entertainment, Inc. and People's Liberation, Inc. Before Superior Court of the State of California, County of Los Angeles, Central District. Case No. BC424734. Retained by counsel for plaintiff re: damages arising from alleged breach of contract.

M&H Realty Partners V L.P. v. Aerojet-General Corporation, Boeing Realty Corporation, The Boeing Company, McDonnell Douglas Corporation. Before Superior Court for the State of California, County of Orange. Case No. 30-2008-00080378-CUTT-CXC. Retained by counsel for plaintiff re: damages arising from environmental contamination at a property redevelopment.

Firefly Digital, Inc. v. Google Inc. Before United States District Court, Western District of Louisiana, Lafayette Division. Case number 6:10cv00133-TLM-PJH. Retained by counsel for defendant re: damages arising from alleged trademark infringement.

American Technology, Inc., v. FrozenCPU.com, Inc. Before the United States District Court, Middle District of Florida, Orlando Division. Case Number 6:11-CV-110-ORLACC-GJK. Retained by counsel for defendant re: damages arising from alleged patent infringement.

C&C Jewelry Mfg., Inc. v. Trent West. Before United States District Court, Northern District of California, San Jose Division, Case No. 5:09-cv-01303-JF-HRL. Retained by counsel for plaintiff re: reasonable royalty damages arising from alleged patent infringement.

Pixart Imaging, Inc. v. Avago Technologies General IP (Singapore) PTE. LTD. Before United States District Court Northern District of California, San Jose Division. Case No. C 10-00544 JW. Retained by counsel for plaintiff re: additional royalties due from alleged breach of a patent license agreement.

EasyWeb Innovations, LLC. v. Twitter, Inc. Before United States District Court, Eastern District of New York. Case No. 2:11-cv-04550-JFB-WDW. Retained by counsel for defendant re: reasonable royalty damages arising from alleged patent infringement.

Oncology Tech, LLC v. Elekta AB and Elekta, Inc. Before United States District Court, Western District of Texas, San Antonio Division. Case No: 5:12-CV-00314-HLH. Retained by counsel for defendants re: damages arising from alleged breach of contract.

American Medical Response, Inc. v. Paramedics Plus, LLC. Before Superior Court of the State of California, County of Alameda. Case No: RG10541623. Retained by counsel for defendant re: damages arising from alleged low-cost bid for emergency medical services.

AMC Technology, L.L.C., v. Cisco Systems, Inc. Before United States District Court, Northern District of California, San Jose Division. Case No: C-11-03403 (PSG). Retained by counsel for plaintiff re: damages arising from alleged breach of contract.

Silicon Storage Technology, Inc. v. National Union Fire Insurance Company of Pittsburgh, PA and XL Specialty Insurance Company. Before United States District Court, Northern District of California. Case No: 5:13-CV-05658. Retained by counsel for defendants re: damages arising from a claim for theft of trade secrets.

Neustar, Inc. v. F5 Networks, Inc. Before United States District Court, Northern District of California, San Jose Division. Case No: CV12-02574. Retained by counsel for plaintiff re: damages arising from alleged breach of contract.

Qiang Wang v. Palo Alto Networks, Inc. Before United States District Court, Northern District of California, San Francisco Division. Case No: C 12-05579 WHA. Retained by counsel for defendant re: damages arising from alleged misappropriation of trade secrets and alleged patent infringement.

Affymetrix, Inc. v. Enzo Biochem Inc. Before United States District Court, Southern District of New York, Case No. 1:04-cv-01555-RJS. Retained by counsel for Plaintiffs re: damages arising from an alleged breach of contract.

Enzo BioChem, Inc. v. Affymetrix, Inc. Before United States District Court, Southern District of New York, Case No. 1:03-cv-08907-RJS. Retained by counsel for Defendants re: damages arising from an alleged breach of contract.

Wyde Voice, LLC and Free Conferencing Corporation v. Global IP Solutions, Inc. and Google Inc. Before Superior Court of the State of California, County of San Francisco, Case No. CGC-12-522868. Retained by counsel for defendants re: damages arising from an alleged breach of contract.

Alexander Stross v. ZipRealty, Inc. Before United States District Court, Western District of Texas, Austin Division. Civil Action No. A-13-CV-419-SS. Retained by counsel for defendants re: damages arising from alleged copyright infringement.

Collarity, Inc. v. Google, Inc. Before United States District Court, District of Delaware. Case No. 11-1103 MPT. Retained by counsel for defendants re: damages arising from alleged patent infringement.

TomTom International, B.V. v. Broadcom Corporation. Before United States District Court, Central District of California. Case No. 8:14-cv-00475 PA (DFMx). Retained by counsel for defendants re: damages arising from alleged breach of warranty.

In Re Google Inc. Privacy Policy Litigation. Before United States District Court, Northern District of California, San Jose Division. Case No. 12-CV-01382 PSG. Retained by counsel for Google re: damages arising from alleged breach of privacy policy.

Sarvint Technologies, Inc. v. Athos Works, Inc., and Mad Apparel, Inc. (and related cases filed by Sarvint against OMSignal, Ralph Lauren, Victoria's Secret, Textronics and adidas, and Sensoria). Before United States District Court, Northern District of Georgia, Atlanta Division. Civil Action No. 1:15-CV-00068-TCB. Retained by counsel for defendants re: irreparable harm arising from alleged patent infringement.

California Expanded Metal Products Co., v. ClarkWesternDietrich Building Systems LLC, James Klein and BlazeFrame Industries, Ltd. Before United States District Court, Central District of California, Case No. 2:12-cv-10791-DDP-MRWx. Retained by counsel for defendants re: damages arising from alleged breach of contract and patent infringement.

In Re: Multiple Listing Service Real Estate Photo Litigation. Before United States District Court, Southern District of California, Case No.: 14CV1158 BAS (JLB). Retained by counsel for defendant (CoreLogic) re: damages arising from an alleged breach of copyright.

TeleSign Corporation v. Twilio, Inc. Before United States District Court, Central District of California, Case No. 15-3240-PSG-SS. Retained by counsel for defendant re: irreparable harm in the context of a motion for preliminary injunction.

Quantum Corporation v. Crossroads Systems, Inc. Before United States District Court, Northern District of California, San Francisco Division, Case No. 3:14-cv-04293-WHA. Retained by counsel for plaintiff re: lost profits and reasonable royalty arising from alleged patent infringement.

United States of America ex rel. Floyd Landis v. Tailwind Sports Corp., Lance Armstrong and Johan Bruyneel. Before United States District Court, District of Columbia, Case No. 1:10-cv-00976 (CRC). Retained by counsel for Lance Armstrong re: benefits received by the U.S. Postal Service from its sponsorship of the USPS Cycling Team.

Integra LifeSciences Corp., Integra LifeSciences Sales LLC, Confluent Surgical, Inc., and Incept LLC, v. HyperBranch Medical Technology, Inc. Before United States District Court, District of Delaware, Case No. C.A. No. 15-1819 (LPS)(CJB). Retained by counsel for defendant re: irreparable harm in the context of a motion for preliminary injunction.

Alice Svenson, individually and on behalf of all others similarly situated, v. Google, Inc. and Google Payment Corporation. Before United States District Court, Northern District of California, Case No. CV-13-04080-BLF. Retained by counsel for defendant re: damages from alleged breach of privacy policy.

Telecom Asset Management, LLC v. Cellco Partnership d/b/a Verizon Wireless, Verizon Sourcing LLC, Verizon Corporate Resources Group LLC. Before United States District Court, Southern District of New York, Case No.: 15 Civ 2786 (SHS) (RLE). Retained on behalf of defendants re: damages from alleged breach of contract.

Celestica (USA) Inc. v. The Crossbow Group, LLC, Before JAMS, San Jose, CA. JAMS Ref. No. 1110018525. Retained by counsel for plaintiffs re: damages from alleged breach of contract.

Varentec, Inc. v. Gridco, Inc. *et al.* Before United States District Court for the District of Delaware, C.A. No. 16-217-RGA. Retained by counsel for defendants re: irreparable harm in the context of a motion for preliminary injunction.

Connectus, LLC d/b/a eDegree Advisor v. Ampush Media, Inc. and DGS Edu LLC. Before United States District Court, Middle District of Florida, Tampa Division, Case No.: 8:15-cv-02778-VMC-JSS. Retained by counsel for plaintiffs re: damages from breach of contract, unjust enrichment and unfair competition.

Doug Baird, Doug Hesse and Bob Schmitt Derivatively on Behalf of BlinkMind, Inc. v. Joe Baird, Nathan Stratton, Michael Tessler, Exario Networks, Inc., and BroadSoft, Inc. Before District Court of Harris County, Texas, 270<sup>th</sup> Judicial District, Cause No. 2015-16576. Retained by counsel for defendants Joe Baird, Nathan Stratton and BroadSoft re: damages from theft of trade secrets.

Integra LifeSciences Corp., Integra LifeSciences Sales LLC, Confluent Surgical, Inc., and Incept LLC, v. HyperBranch Medical Technology, Inc. Before United States District Court, District of Delaware, Case No. C.A. No. 15-1819 (LPS)(CJB). Retained by counsel for defendant re: damages from patent infringement.

Klaustech, LLC. v. AdMob, Inc. Before United States District Court, Northern District of California, Oakland Division. Case No. 10-CV-05899-JSW. Retained by counsel for defendant re: damages from patent infringement.

Google LLC, v. Anthony Scott Levandowski and Lior Ron. Before JAMS, San Francisco, Case No. 1100086069 & 1100086032. Retained by counsel for plaintiff re: damages from breach of contract, fraud, and disloyalty.

Express Mobile, Inc., v. Svanaco, Inc., BigCommerce, Inc. Before United States District Court For the Eastern District of Texas, Marshall Division. Retained by counsel for defendant re: damages from patent infringement.

Safeway, Inc. v. Sheppard Mullin Richter & Hampton, LLP. Before JAMS, San Francisco, Case No. 1220052996. Retained by counsel for defendant re: damages from legal malpractice.

Juliana Griffo v. Oculus VR, Inc. and Palmer Luckey. Before United States District Court, Central District of California, Southern Division (Santa Ana), Case No. 8:15-cv-01228-DOC (JCGx). Retained by counsel for defendants re: damages from copyright infringement.

Beijing Choice Electronic Technology Co., Ltd. v. Contec Medical Systems USA INC. and Contec Medical Systems Co., Ltd. Before United States District Court, Northern District of Illinois, Case No: 18-cv-00825. Retained by counsel for defendants re: irreparable harm in the context of a motion for a preliminary injunction.



Alarm.com, Inc. and ICN Acquisition, LLC v. SecureNet Technologies, LLC. Before United States District Court, District of Delaware. Case No.: 1:15-cv-00807-GMS. Retained by counsel for defendants re: damages from patent infringement.

Ameranth, Inc. v. Mobo Systems (d/b/a Olo). Before United States District Court, Southern District of California, San Diego Division. Case No.: 3:12-cv-01642-JLS-NLS. Retained by counsel for defendant re: damages from patent infringement.

International Longshore and Warehouse Union and Pacific Maritime Association vs. ICTSI Oregon, Inc. Before the United States District Court for the District of Oregon. Case No. 3:12-cv-01058-SI. Retained by counsel for plaintiff and counterclaim defendant re: damages from labor slowdown.

International Code Council, Inc. v. UpCodes, Inc., Garrett Reynolds and Scott Reynolds. Before the United States District Court for the Southern District of New York. Case No. 1:17-cv-6261. Retained by counsel for defendants re: damages from copyright infringement.

United States of America v. Sushovan Tareque Hussain. Before the United States District Court, Northern District of California. Case No. CR 16-00462 CRB. Retained by counsel for defendant re: gains from fraud.

Nevro Corp., v. Stimwave Technologies, Inc. Before the United States District Court for the District of Delaware. Case No. 19-325 (CFC). Retained by counsel for defendant re: irreparable harm in the context of a motion for a preliminary injunction.

CellInfo, LLC v. American Tower Corporation and American Tower Do Brasil. Before American Arbitration Association, Boston Regional Office. Case No. 01-18-0004-5894. Retained by counsel for plaintiff re: damages from misappropriation of trade secrets and confidential information.

Booker T. Huffman v. Activision Publishing, Activision Blizzard and Major League Gaming Corp. Before the United States District Court for the Eastern District of Texas, Marshall Division. Case No. 2:19-cv-00050-RWS-RSP. Retained by counsel for defendant re: damages from copyright infringement.

PTP OneClick, LLC v. Avalara, Inc. Before the United States District Court, Western District of Washington at Seattle. Case No. 2:19-cv-00640-JLR. Retained by counsel for defendant re: damages from misappropriation of trade secrets and breach of contract.

Arendi S.A.R.L. v. Motorola Mobility LLC. Before the United States District Court, District of Delaware. Case No. 12-1601-LPS. Retained by counsel for defendant re: damages from patent infringement.

Arendi S.A.R.L. v. Google LLC. Before the United States District Court, District of Delaware. Case No. 13-919-LPS. Retained by counsel for defendant re: damages from patent infringement.

FurnitureDealer.net, Inc. v. Amazon.com, Inc., and COA, Inc. d/b/a Coaster Company of America. Before the United States District Court, District of Minnesota. Case No. 18-232 (JRT/HB). Retained by counsel for defendant re: copyright infringement.

Crown Building Maintenance, Inc. v. Metro Services Group, Jeff Dachenhaus, Mark Nolan and Derek Schulze. Before the Superior Court of the State of California, County of San Francisco. Case No. CGC-18-566118. Retained by counsel for plaintiffs re: damages from breach of contract and misappropriation of trade secrets.

Hong Kong Ucloudlink Network Technology Limited v. SIMO Holdings Inc. and Skyroam, Inc. Before the United States District Court, Northern District of California. Case No. 8-cv-05031. Retained by counsel for plaintiffs re: damages from patent infringement.

Fisher & Paykel Healthcare, Ltd v. Flexicare Incorporated. Before the United States District Court, Central District of California. Case No. 8:19-cv-00835-JVS-DFM. Retained by counsel for defendants re: damages from patent infringement.

Hughes & Company Construction, Inc. v. Weber Hung Family Trust. Before American Arbitration Association. Case No. 01-20-0004-8744. Retained by counsel for defendants / counterclaimants re: damages from breach of contract.

Equicare Health Inc. v. Varian Medical Systems, Inc. Before the American Arbitration Association. Case No.: 01-19-0002-4132. Retained by counsel for defendant re: damages from breach of contract.

Personalized Media Communications, LLC v. Netflix, Inc. Before the United States District Court, Eastern District of Texas, Marshall Division, Case No. 2:19-cv-00091-JRG. Retained by counsel for defendant re: damages from patent infringement.

Red Hydrogen, LLC v. CloudMinds (HK) Ltd. Before JAMS Arbitration, JAMS Ref. No. 1220062943. Retained by counsel for defendant re: factors relating to alter ego and damages from breach of contract.

USC IP Partnership, L.P., v. Facebook, Inc. Before the United States District Court for the Western District of Texas, Waco Division, Case No. 6:20-cv-00555-ADA. Retained by counsel for defendant re: damages from patent infringement.

Brad Peters, David Gray and Paul Staelin v. Infor (US), Inc. Before the United States District Court, Northern District of California, San Francisco Division, Civil Action No. 19-cv-8102 Retained by counsel for defendants / counter-claimant re: damages from breach of contract.

Netlist v. Samsung Electronics, Co., Ltd. Before United States District Court, Central District of California, Southern Division, Case No. 8:20-cv-993-MCS (ADSx). Retained by counsel for defendants re: damages from breach of contract.

Alexander Walker v. Kitty Hawk Corporation. Before JAMS, JAMS Ref. No. 1100110678. Retained by counsel for defendants re: damages from alleged fraud and breach of contract.

Contour Data Solutions, LLC. v. Gridforce Energy Management LLC, NAES Corporation, CDW Corporation, CDW Direct. Before United States District Court, Eastern District of Pennsylvania, Case No. 2:20-CV-03241. Retained by counsel for Gridforce and NAES re: breach of contract.

Rex Medical, L.P. v. Intuitive Surgical, Inc., Intuitive Surgical Operations, Inc. and Intuitive Surgical Holdings, LLC. Before United States District Court, District of Delaware, Civil Action No. 19-cv-5-MN. Retained by counsel for Rex Medical re: damages from patent infringement.

Estech Systems, Inc. v. Howard Midstream Energy Partners d/b/a Howard Energy Partners. Before United States District Court, Western District of Texas, Waco Division, Civil Action No.: 6-20-cv-00777. Retained by counsel for Howard Energy Partners re: damages from patent infringement.