

PROFILE

Doug Bania is the founding principal of Nevium Intellectual Property Consultants. Nevium is an intellectual property consulting firm specializing in IP valuation, damages, licensing, and monetization. Mr. Bania has been the named expert for over 100 cases, deposed 32 times and has provided trial testimony 10 times. Mr. Bania is a Certified Licensing Professional (CLP) and is a past committee member (2016 - 2019) for the International Trademark Association (INTA) Internet Committee and the ICANN Compliance and Domain Name Industry Subcommittee, a current member of the INTA Right of Publicity Committee and the Influencers Subcommittee. He is also a member of the American Bar Association (ABA), Copyright & Social Media Committee.

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

Expert Witness History

Moxie Pest Control (Utah), LLC, et al. v. Kyle Nielsen, an individual, et al., Case No. 2:21-CV-00240, USDC, District of Utah, Central Division. **Trade Secret Damages**, Expert Report, Deposition 2023

Macy's IP Holdings, LLC v. Aroma 360, LLC, Case No. 1-21-CV-9631, USDC Southern District of New York. **Trademark Damages**, Expert Report, 2023

Smartmatic USA Corp. et al. v. Michael J. Lindell and My Pillow, Inc., Case No. 22-cv-0098-WMW-JFD, USDC for the District of Minnesota. **Defamation, Internet, and Social Media Analytics**, Expert Report, 2023

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BakeMark USA, LLC, v. Clark Associates, Inc., The Webstaurant Store, d/b/a Webstaurantstore.com et al., Case No. 2:22-cv-03737, USDC, Central District of California. **Trademark, Reverse Confusion Damages**, Expert Consulting, 2023

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Halo Beauty Partners, LLC v. Clark Swanson, Swanson Global Enterprises Inc., et al., Case No. A-21-837645-B, Eighth Judicial District Court, Clark County, Nevada. **Defamation, Internet, and Social Media Analysis**, Expert Report, 2023

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Eric Coomer, PhD., v Michael J. Lindell, Frankspeech LLC, and MyPillow, Inc., Case No. 1:22-cv-01129, USDC, District of Colorado. **Defamation, Internet, and Social Media Analytics**, Expert Report, 2023

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Hubert Hansen Intellectual Property Trust v. The Coca-Cola Company, Case No. 37-2016-00021046-CU-MC-CTL, Superior Court of the State of California for the County of San Diego, **Right of Publicity**, Deposition, 2023

Global Apogee v. Sugarfina, Inc., Joshua Resnick, Rosie O'Neill, et al., Case No. 2:18-cv-05162 RSWL (Ex), USDC, Central District of California, Western Division (Los Angeles). **Trademark Damages and Google Search Analysis**, Expert Report, 2023

S10 Entertainment & Media LLC, v. Samsung Electronics Co., LTD.; and Samsung Electronics America, Inc, Case No. 2:21-cv-2443, USDC, Central District of California. **Trademark Damages**, Expert Report, Deposition, Trial Testimony, 2023

World Axe Throwing League, Inc, and Lincoln Chicago Holdings, Inc. v. Cold Steel, Inc., Lynn Thompson, and GSM LLC d/b/a GSM Outdoors, Case No. 2:20-cv-11407 JAK (Ex), filed in USDC, Central District of California, Western Division. **Trademark Damages, Causation**, Expert Report, Deposition, Trial Testimony, 2023

Garth Fisher, M.D., d/b/a Garth Fisher Skin Care, LLC, v. Rexford Surgical Institute, Inc., et al., Case no. 2:21-cv-05795-DSF-JPR, USDC, Central District of California, Western Division. **Trademark Damages and Google Search Analysis**, Expert Consulting, 2023

Fit Tea, LLC, v. Alani Nutrition, LLC, Case No. 1:22-cv-21568-JEM, USDC, Southern District of Florida, Miami Division. **Trademark Damages**, Expert Report, 2023

Mend Health, Inc., v. Carbon Health Technologies, Inc., Case No. 2:21-cv-06142 AB (MRWx), USDC, Central District of California. **Internet Trademark Investigation**, Expert Report, 2023

Flexware International LLC, v. AT&T Corp., Case No. 2:21-cv-07223 GW (ASx), USDC, Southern District of California, Western Division. **Trademark Damages**, Expert Consulting, 2023

John C. Depp, II v. Amber Laura Heard, Circuit Court of Virginia, Fairfax County, Case No. CL-2019-0002911. **Defamation, Internet, Media and Social Media Analytics**, Expert Consulting, Deposition, Trial Testimony 2022

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2022

Harman International Industries v. Jem Accessories d/b/a Xtreme Cables, Case No. 2:20-CV-0822, USDC, Central District of California, No. 2:20-CV-08222. **Trademark Damages**, Expert Report, 2022

Rodney Smith LTD., v. Sugar Factory, LLC, Case No. 2:20-cv-06854-ODW-JEM, USDC, Central District of California. **Copyright Damages**, Expert Report, 2022

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Athos Overseas, Ltd v. YouTube, Inc., YouTube, LLC, and Google, LLC, Case 1:21-cv-21698, USDC, Southern District of Florida. **Copyright Damages**, Expert Report, Deposition, 2022

Eddy Martinez v. Miami Children's Health System, Inc. and Nicklaus Children's Health System Executive Severance Policy, Case 1:21-cv-22700, filed in the circuit court of the eleventh judicial circuit in and for Miami-Dade County, Florida. **Defamation Damages**, Expert Report, 2022

My First Shades, Inc. and SLP Enterprises, LLC v. Solarna, LLC, George Granoff and Bernard Kossar; Commonwealth of Massachusetts, Case No. 1884-CV-708-BLS1. Rebuttal opinions related to economic damages and online advertising. **Trademark Damages and Google Search Results**, Expert Report, Deposition, Trial 2022

PARTS iD, LLC v. IDParts LLC, USDC, District of Massachusetts, Case 1:20-cv-11253. **Trademark Damages**, Expert Report, 2022

Edison Brewing Company LLC v. Gourmet Fresh LLC, USDC for the Southern District of Ohio Eastern Division, Case No. 2:21-cv-00876-EAS-CMV. **SEO and Competitive Analysis**, Expert Report, 2022

Meribear Productions, Inc. dba Meridith Baer Home v. Brett Baer, City Lights Staging, Inc., Jamie Baer, Caleb Morse, Superior Court of the State of California, County of Los Angeles, Norwalk, Case No. VC065653. **Intellectual Property and Intangible Asset Consulting**, Expert Report and Deposition, 2021

Paul Nicklen v. Sinclair Broadcast Group, Inc., Sinclair Television Media, Inc., et al., USDC for the Southern District of New York, Case No. 1:20-cv-10300-JSR. **Copyright Damages**, Expert Report, 2021

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PetConnect Rescue Inc., Lucky Pup Dog Rescue.com, et al. v. David Salinas, Veronica Salinas, et al. USDC Southern District of California, Case No. 3:20-cv-00527-H-KSC. **Trademark Damages**, Expert Consulting, 2021

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Heartland Payment Systems, LLC v. Robert O. Carr and Kathie Hanratty. USDC for the District of New Jersey, Case No. 3:18-cv-09764-BRM-DEA. **Defamation Investigation and Damages**, 2021.

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Expert consulting, 2016.

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

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

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Jason Olive v. General Nutrition Centers, Inc., Case No. BC482686, Superior Court for the State

of California, County of Los Angeles. **Right of Publicity Damages**; Expert Consulting, 2014

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

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

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

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

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

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

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

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

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

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

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

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

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

EDUCATION & CERTIFICATION

Certified Licensing Professional (CLP); 2011

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

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

EMPLOYMENT EXPERIENCE	<p>Nevium Intellectual Property Consultants; San Diego, CA; 2012 – present Founding Principal: Provide IP strategy, licensing, valuation and expert services</p> <p>CONSOR Intellectual Asset Management; La Jolla, CA; 2002 – 2012 Principal: Managed client & firm relations and provided expert witness services</p> <p>Independent Film Producer; Los Angeles, CA; 2000 – 2003 Producer for two award winning short films: Boundaries and Passing Through.</p>
ASSOCIATIONS & MEMBERSHIPS	<p>Licensing Executives Society (LES) International Trademark Association (INTA) INTA Right of Publicity Committee (2020 -2023 terms) INTA Internet Committee (2016 -2019 terms) Member, Copyright Society of the United States ICANN Compliance and Domain Name Industry Subcommittee (2016 -2019 terms) American Bar Association (ABA), Section of Intellectual Property Law American Bar Association (ABA), Copyright & Social Media Committee Copyright Society, Website & Social Media Committee</p>
PUBLICATIONS & PRESENTATIONS	<p>“Profit Apportionment in Intellectual Property Infringement Damages Calculations” Intellectual Property Valuation Case Law Compendium, Fourth Edition. Business Valuation Resources (BVR), 2022.</p> <p>“Tools of the Trade: Trends and Developments in IP Valuation and Dealmaking Data and Internet Tools.” Panel presentation at the LES 2022 Annual Meeting, 2022.</p> <p>“Using Internet and Social Media Analytic Tools for Valuation and Damages Calculations” Presentation at the NACVA Business Valuation & Financial Litigation Hybrid & Virtual Super Conference, 2022.</p> <p>“Introduction to Copyright Valuation” Chapter 3 in the Practical Guide to Successful Intellectual Property Valuation and Transactions by Kluwer Law International, 2022</p> <p>“Profit Apportionment for Intellectual Property Valuation” Chapter 7 in the Practical Guide to Successful Intellectual Property Valuation and Transactions by Kluwer Law International, 2022</p> <p>“Can Trademark Infringement Be a Victimless Crime?” Table Topic for the International Trademark Association (INTA), 2021</p> <p>“Defamation Investigations: A Big Leap in Fighting Back” published in The Intellectual Property Strategist, 2021</p> <p>“Proving Online Defamation: No Longer a Black Box” published in Law.com: Legaltech News, 2021</p> <p>“Valuing Brands in the Tech Sector Using an Apportionment Framework” published in the National Association of Certified Valuators and Analysts (NACVA) The Value Examiner, 2021</p> <p>“Using Internet Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2021</p>

“Profit Apportionment in Intellectual Property Infringement Damages Calculations” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2021

“Trademark and Brand Valuation” webinar for the Confederation of Indian Industry (CII), 2021

“What to Look for When Valuing a Cannabis Business” Cannabis Business Times, 2019

“Internet Tools for Intellectual Property Analysis” presented as a webinar for the Certified Patent Valuation Analyst certification, 2019

“Investigating Online IP Infringement and Calculating Damages for Internet Related Disputes” presented at the University of San Diego School of Law, 2019

“Nevium: Influencer Marketing Meets Intellectual Property” Forbes, 2019

“Calculating the Value of Influencer Marketing and Impact of Infringement” Attorney at Law Magazine, 2019

“Building Cannabis IP Includes Both Your Brand and Your Technology” Entrepreneur, 2019

“Can Trademark Infringement Be a Victimless Crime? The Stone Creek v. Omnia Case” International Journal of Law and Public Administration, Redfame Publishing Inc., 2018

“Apportionment Models: Valuing the Contribution of Intangible Property and Assets in Disputes” A Special Series Webinar on New Economic Damages Guide. Business Valuation Resources (BVR), 2018

“Using Internet Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2018

“Profit Apportionment in Intellectual Property Infringement Damages Calculations” published as a chapter in The Comprehensive Guide to Economic Damages book by Business Valuation Resources (BVR), 2018

The Florida Bar Business Law Section, 9th Annual Intellectual Property Symposium. Panel on the Blurred Lines trial – Speaking as the copyright damages and apportionment expert. St. Pete Beach, FL, April 2018

“Proving Infringement in Online Trademark Disputes” Luncheon Table Topic at the 140th Annual International Trademark Association (INTA) Meeting, Seattle, WA May 2018

“Building Brands and Maximizing Value” Workshop Session presented at the Licensing Executive Society (LES) 2017 Spring Meeting entitled Stronger Economies Through Licensing, Washington, DC, May 2017

“Blurred Lines – Music Industry Damage Calculations” Panel Session presented at SXSW, Austin, TX, March 2017

“Non-Traditional Marks and the Traditional Practice” Luncheon Table Topic for the International Trademark Association (INTA), San Diego, CA, February 2017

The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in Calculating Economic Damages in Intellectual Property Infringement Cases book by Business Valuation Resources (BVR), October 2016

“Misuses of IP Over the Internet: Searching for Value.” Business Valuation Resources (BVR) Special Series Webinar: The Comprehensive Guide to Economic Damages, July 2016

“The Use of Analytic Tools for Valuation and Damages Calculations in Internet IP Infringement and Defamation Cases” published as a chapter in The Comprehensive Guide to Lost Profits and Other Commercial Damages book by Business Valuation Resources (BVR), May 2016

“Brand Valuation and Techniques” presented at the Conference on Brand Valuation; University of New Hampshire School of Law and The Franklin Pierce Center for Intellectual Property. Concord, New Hampshire, April 2016

“Valuation and Damages Calculations in Cases Involving Internet IP Infringement and Defamation.” NACVA Webinar Series, April 2016

“Brand Due Diligence: Tools and Techniques for Supporting Successful Brand Driven Transactions” Luncheon Table Topic at the International Trademark Association (INTA) Annual Meeting, Orlando, FL, May 2016

“Employing Internet and Social Media Analytical Tools in Valuation and Damages Calculations” Featured Presenter at the NACVA and the CTI’s 2016 Annual Conference. San Diego, CA, June 2016

“Apportioning Copyright Damages: The Case of Blurred Lines” published in the Journal of Intellectual Property Law and Practice, Vol. 10, No. 12, November 2015

“Intellectual Property Valuation: Methodologies and Case Studies” presented at the American Society of Appraisers (ASA), San Diego Chapter monthly meeting, San Diego, 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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