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15 Attorneys for Plaintiff

16  
17 **UNITED STATES DISTRICT COURT**  
18 **CENTRAL DISTRICT OF CALIFORNIA**  
19

20 WILLIAM S. CALLAWAY, on behalf  
of himself and all others similarly  
21 situated,

22 Plaintiffs,

23 vs.

24 MERCEDES-BENZ USA, LLC, a  
Delaware limited liability company; and  
25 MISSION IMPORTS d/b/a Mercedes  
Benz of Laguna Niguel, a California  
26 corporation,

27 Defendants.  
28

CASE NO.:  
2:16-cv-01346-DMG-AJW

**DECLARATION OF GREGORY A.  
PINSONNEAULT IN SUPPORT  
OF PLAINTIFF'S MOTION FOR  
ATTORNEYS' FEES, COSTS AND  
AN INCENTIVE AWARD**

Date: March 5, 2017  
Time: 1:30 p.m.  
Courtroom: 10C

**DECLARATION OF GREGORY A. PINSONNEAULT**

I, Gregory A. Pinsonneault, declare as follows:

1. I am the Managing Director and CEO of LitiNomics, Inc. (“LitiNomics”). LitiNomics is a consulting firm comprised of professionals who provide financial and economic analyses to counsel and management involved in commercial litigation. I earned an M.A. in Economics from the University of California, Berkeley, as well as a B.S. in Computer Science and a B.A. in Mathematics and Economics from the University of Washington. During my 15-year consulting career, I have consulted on more than 180 matters, generally involving the calculation of damages, and I have been the retained expert or project lead (in non-litigation matters) in more than 65 of these matters. A true and correct copy of my curriculum vitae is attached hereto as Exhibit A.

2. I have personal knowledge of the facts set forth below, unless stated on information and belief, and if called as a witness, I would and could testify competently thereto.

3. I was asked by counsel to estimate the total number of seat heater malfunctions that occurred in 2000-2007 M-Class, 2006-2007 R-Class and 2007 GL-Class Mercedes Benz sport utility vehicles (the “Subject Vehicles”). To do so, I analyzed warranty repair (including goodwill repair) data produced in this litigation by Mercedes Benz USA, LLC (“MBUSA”). That data included information related to the date of the repair and the vehicle’s mileage at the time of the repair.

4. Depending on the SUV model, the known rate of incidence of seat heater malfunctions for the Subject Vehicles (based solely on MBUSA’s warranty/goodwill repair data) ranged from approximately 1% to 11% depending on the model and year. This analysis is described in the previously filed declaration of my LitiNomics colleague, Bruce McFarlane (Dkt. No. 168-3). See Exhibit B. I personally assisted in performing that analysis, and am familiar with it.

1           5.     Since the time of Mr. McFarlane’s declaration, I further analyzed the  
2 relationship between the warranty repairs and mileage at the time of repair by counting  
3 the number of warranty repairs in each 5,000 mile “mileage bin” for the Subject  
4 Vehicles (e.g., the number of warranty repairs on Subject Vehicles that occurred  
5 between one and 5,000 miles, the number of warranty repairs on Subject Vehicles that  
6 occurred between 5,001 and 10,000 miles, etc.). My further analysis of the warranty  
7 repair data produced by MBUSA found there was a steady increase in seat heater  
8 malfunctions as vehicles approached 30,000 miles, a relatively steady number of seat  
9 heater malfunctions between 30,000 and 50,000 miles, but then a sudden drop-off in  
10 reported incidents after 50,000 miles. See Exhibit C.

11           6.     Those findings likely can be attributed to two things. First, I understand  
12 that Plaintiff’s and MBUSA’s engineering experts both agree the seat heater  
13 malfunctions alleged in this lawsuit occur as the result of drivers repeatedly getting in  
14 and out of their vehicles – which MBUSA describes as a “wear and tear” issue. Thus, it  
15 is logical that the number of incidents increases over time. Second, the standard limited  
16 warranty on Mercedes Benz vehicles expires at 50,000 miles,<sup>1</sup> which explains why  
17 there is a sudden drop of reported incidents to MBUSA after 50,000 miles; i.e., after the  
18 warranty expires, owners logically would be far less likely to bring their vehicle to an  
19 MBUSA dealer for repairs or have their repair covered by the warranty.

20           7.     Consequently, based on the average reported number of seat heater  
21 malfunctions that occurred prior to 50,000 miles, I projected the total number of  
22 vehicles that likely malfunctioned after the expiration of the warranty by extending the  
23 incident-rate slope after 50,000 miles. Specifically, to calculate the incidence rate in a  
24 particular Mileage Bin, I divided the number of repairs reported by MBUSA by the  
25 remaining Subject Vehicles not repaired. The remaining Subject Vehicles not repaired  
26 starts at 270,000 Subject Vehicles for the 1 to 5,000 mile Mileage Bin (I understand  
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28 <sup>1</sup> See [https://www.mercedesbenzcary.com/warranty\\_coverage.html](https://www.mercedesbenzcary.com/warranty_coverage.html)

1 that MBUSA represented there are approximately 270,000 Subject Vehicles); for  
2 subsequent Mileage Bins, it is reduced by the number of repairs in previous Mileage  
3 Bins. Given the relatively constant number of repairs for Subject Vehicles in the  
4 mileage bins between 30,000 and 50,000 miles and the expected drop-off thereafter, I  
5 projected the number of malfunctions for Mileage Bins after 50,000 miles by applying  
6 the average incidence rate for the four mileage bins between 30,001 and 50,000 miles to  
7 the remaining Subject Vehicles not repaired for the Mileage Bin. Based on this  
8 analysis, I conclude that at least 20,107 of the Subject Vehicles will experience or have  
9 experienced the malfunction after 50,000 miles (not including repairs already made by  
10 MBUSA on Subject Vehicles with more than 50,000 miles). See Exhibit D. I note that  
11 this number is likely a conservative estimate given that MBUSA's repair data likely  
12 does not capture every vehicle that experienced a malfunction prior to 50,000 miles,  
13 and therefore the projected incidence rate that I apply is likely understated.

14 8. I understand that as part of the Settlement, MBUSA has agreed to  
15 reimburse Class Members for past repairs for seat heater malfunctions up to \$1,000 per  
16 repair. I understand that prior repairs involved removing the damaged seat cover and  
17 replacing it with a new seat cover (with the same part number).<sup>2</sup> I have also reviewed  
18 records produced by MBUSA, which indicate that the cost of repairing a seat after a  
19 seat heater malfunction for the Subject Vehicles is approximately \$1,000.<sup>3</sup>

20 9. For purposes of determining the economic value of the Settlement's  
21 reimbursement option, I have conservatively assumed that half of the 20,107 Subject  
22 Vehicles calculated above have already experienced a malfunction, or approximately  
23 10,054 vehicles. Given the age of the vehicles (10 to 17 years old), I believe this is a  
24 conservative assumption. I then multiplied the 10,054 vehicles by the maximum cost of  
25 repair reimbursement of \$1,000 (given the average cost reported by MBUSA is a little

26 \_\_\_\_\_  
27 <sup>2</sup> See April 6, 2016 Deposition of Timothy Lowery at 65:10-67:11.

28 <sup>3</sup> See MBUSA\_Callaway\_012403.

1 more than the maximum) to arrive at a total estimate of \$10,054,000. In other words,  
2 this Settlement likely makes over \$10,054,000 of repair reimbursements available to the  
3 Class.

4 10. I also understand that as part of the Settlement, MBUSA has agreed to  
5 offer a free bypass wire repair procedure to prevent the seat heater malfunction from  
6 occurring in the future. I further understand that MBUSA has agreed to reimburse its  
7 dealers for the internal cost of this repair, which is approximately \$200 as represented  
8 by MBUSA's counsel.

9 11. I have reviewed MBUSA's records, which reflect exemplar pricing  
10 information related to the dealer, wholesaler and suggested list prices (parts and labor)  
11 for replacing the seat cover that contains the seat heater element.<sup>4</sup> Based on this  
12 review, I have determined the suggested retail price of repair work for Subject Vehicles  
13 (i.e., the price consumers would pay to the dealer) is more than 40% higher than the  
14 internal costs to the dealer.<sup>5</sup> Consequently, I estimate that the retail cost of the bypass  
15 wire repair procedure would be approximately \$280, which represents a 40% mark-up  
16 on the \$200 internal cost of the repair. This is the amount customers would likely be  
17 charged for the bypass wire repair.

18 12. Based on the foregoing, I have determined that the economic value of the  
19 Settlement's bypass wire repair procedure is approximately \$75,600,000. I have  
20 determined this value by multiplying the number of Subject Vehicles covered by the  
21 Settlement (I understand that MBUSA represented there are approximately 270,000  
22 Subject Vehicles) by the retail value of the repair procedure (\$280).


23 13. Accordingly, the Settlement makes over \$85,654,000 in benefits available  
24 to the Class. This estimate does not include the value of the extended warranty  
25 coverage because a Class member only gets the extended warranty coverage as an  
26 automatic alternative if he or she does not submit a claim for the bypass wire repair

27 <sup>4</sup> See MBUSA\_Callaway\_012403.

28 <sup>5</sup> See MBUSA\_Callaway\_012403.

1 procedure. Thus, to avoid double counting, I am only including the value of bypass  
2 wire repair procedure (\$75,600,000) and the reimbursement for past repairs  
3 (\$10,054,000) when determining the total value of the Settlement benefits made  
4 available to the Class.

5  
6 I declare under penalty of perjury under the laws of the United States of America  
7 that the foregoing is true and correct. Executed this 18<sup>th</sup> day of October 2017, in  
8 Oakland, California.

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11 \_\_\_\_\_  
12 GREGORY A. PINSONNEAULT  
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# Exhibit A

**CURRICULUM VITAE**  
**GREGORY A. PINSONNEAULT**

**POSITION** Managing Director and Chief Executive Officer, LitiNomics, Inc.

**RANGE OF EXPERIENCE** Mr. Pinsonneault has more than fifteen years of experience providing consulting services and expert testimony for economic, financial, and business issues related to commercial litigation, primarily in the calculation of economic damages. He has consulted in a variety of complex litigation matters including intellectual property disputes, breach of contract, predatory pricing and buying, and antitrust monopolization.

Mr. Pinsonneault has been designated as an expert witness or non-litigation project lead in more than 65 matters, including cases involving intellectual property disputes (patent infringement, misappropriation of trade secrets, copyright infringement and trademark infringement), consulting on reasonable license terms (non-litigation), breach of contract disputes, class certification issues, and other issues. He has provided sworn expert testimony on fourteen occasions (seven times at deposition, three times at arbitration, once at trial in state court, and three times at trial in U.S. District Court).

Mr. Pinsonneault is a Certified Licensing Professional.

**EDUCATION** M.A. in Economics, University of California-Berkeley (2002)  
Fields of Specialization: Industrial Organization and Econometrics

B.S. in Computer Science, University of Washington (1996)  
Honors: *cum laude*

B.A. in Mathematics and Economics, University of Washington (1996)  
Honors: *cum laude*

**PROFESSIONAL AND BUSINESS HISTORY** LitiNomics, Inc. (Mountain View, CA)  
Managing Director and Chief Executive Officer, September 2016 - Present  
Director and Chief Executive Officer, September 2011 – September 2016  
Principal and Chief Operating Officer, March 2011 - August 2011  
Principal, January 2009 - March 2011  
Senior Associate, April 2007 - December 2008

CRA International, Inc. (Palo Alto, CA)  
Senior Associate, January 2006 - April 2007  
Consulting Associate, December 2003 - December 2005

Independent Consultant, January 2002 – November 2003  
Consultant to CRA, November 2003  
Consultant to LECG, June 2003 - July 2003  
Consultant to MiCRA, May 2002 - March 2003

Safeway, Inc., (Bellevue, WA)  
Assistant Store Manager, 1993 – 1996  
Various Positions, 1990 - 1993



**TEACHING HISTORY**

University of California-Berkeley (Berkeley, CA)

Graduate Student Instructor:

- Spring 2002 Head Graduate Student Instructor
- Fall 2001 Industrial Organization (Professor - Dr. Glenn Woroch)
- Spring 2001 Industrial Organization (Professor - Dr. Glenn Woroch)
- Fall 2000 Industrial Organization (Professor - Dr. Jordi Gual)
- Fall 1999 Econometrics (Professor - Dr. Bronwyn Hall)
- Fall 1997 Introduction to Economics (Professor - Dr. James Pierce)

Awarded "Outstanding Graduate Student Instructor Award," University of California-Berkeley Economics Department, 2002

**PROFESSIONAL AFFILIATIONS AND CERTIFICATIONS (current)**

Certified Licensing Professional, 2015 – Present

Member, American Economic Association, 1998 – Present

Member, Western Economic Association International, 2016 – Present

Member, Licensing Executive Society, 2015 – Present

Member, American Intellectual Property Law Association, 2015 – Present

Committee Member, Patent Litigation, 2017 – Present

Committee Member, Patent Litigation Damages Subcommittee, 2017 – Present

Associate, American Bar Association, 2011 – Present

Member, Section of Intellectual Property Law, 2011 – Present

Committee Member, Patent Litigation, 2011 – Present

Committee Member, Trademark Litigation, 2012 – Present

Committee Member, Copyright Litigation, 2012 – Present

Subcommittee Member, Copyright Damages, 2012 – Present

Member, Planning Committee for USC Gould School of Law Intellectual Property Institute, 2011 – Present

Committee Member, Planning Committee for Patent Damages Roundtable, 2014 – 2015

Committee Member, Planning Committee for I.P. Remedies Roundtable, 2016 – 2017

Member, Planning Committee for Stanford-Berkeley Advanced Patent Law Institute: Silicon Valley (APLISV), 2015 – Present

**PUBLICATIONS  
AND  
PRESENTATIONS**

"The Perceived Shortage of High-Tech Workers" (with Clair Brown and Ben Campbell), Editorial, Spring 1998.

"Employment Systems, Technological Change and Plant Performance in the Semiconductor Industry" (with Clair Brown and Daniel Rascher), CSM-HR Working Paper, University of California, Berkeley, 1999.

"The Use of New Technology and HR Systems in Improving Semiconductor Manufacturing Performance" (with Clair Brown and Daniel Rascher), Working Paper, Center for Work, Technology, and Society, University of California, Berkeley, 1999.

"The Rapidly Changing Patent Damages Landscape: How to Stay Ahead" (with Dominic M. Persechini), Presentation at California Society of CPAs, Litigation Section (Economic Damages) Meeting, October 2011.

ABA Report and Proposed Resolution re *Kimberly-Clark Worldwide, Inc. v. First Quality Baby Products, LLC* (with Jonathan Muenkel, Katie Karn, and Karl Gross), January 2012.

ABA Report and Proposed Resolution re Remedies in Trademark Litigation (with Nicole Emmons, Kenneth Davis, Jessica Bahr, Erin Tanner, and Justin Ourso), March 2013.

"The Legacy of Judge Rader: Tying Damages to the Claimed Invention (And How Technical Experts Can Help)," Presentation at University Club of Palo Alto Luncheon, July 2014.

"Reasonable Royalty Damages: History and Recent Guidance," Paper Submitted for ABA IPL 30th Annual Intellectual Property Law Conference, March 2015.

"Modern Approaches to Calculating Reasonable Royalty Damages" (with Matthew Blackburn, Bill Choi, and Justin Lewis), Presentation at ABA IPL 30th Annual Intellectual Property Law Conference, March 2015.

"The Winds of Change in the Patent World," Presentation to King Hall Intellectual Property Association (KHIPLA), University of California, Davis, October 2016.

"Lost Profits and Patent Damages – Lessons Learned from *Masimo v. Philips*" (with Mark Kachner), Presentation to California Society of CPAs Forensic Services Section, Economic Damages Section Meeting, February 2017.

ABA Report and Proposed Resolution re *Mentor Graphics Corp. v. Eve-USA, Inc. et al.* (with Alan Ratliff, Karl Gross, Audrey Grace Ogurchak), July 2017.

"Pre- and Post-Judgement Interest" (with Christian Tregillis), Chapter In *Lost Profits Damages*, Edited by Everett P. Harry and Jeffrey H. Kinrich, Forthcoming.

**TESTIMONY /  
DECLARATION  
EXPERIENCE**

*Grewal v. Choudhury*, U.S. District Court - N.D. of CA, Case No. 3:07-cv-04218, Trial Testimony (2008), Declaration (2008).

*Jaramillo v. The Coca-Cola Company et al.*, Superior Court of California, County of Madera, Case No. MCV037482, Deposition Testimony (2008).

*MedCorp, Inc. v. PinPoint Technologies, Inc. et al.*, U.S. District Court - District of Colorado, Civil Action No. 1:08-cv-00867, Deposition Testimony (2009).

*Ryder-Loomis v. Allstate Insurance Company*, Superior Court of California, County of San Francisco, Case No. CPF-09-509981 (referred to Arbitration at ADR Services), Arbitration Testimony (2010).

*Dr. Ho v. California Advanced Imaging Medical Associates, Inc. d/b/a National Orthopedic Imaging Associates et al.*, JAMS, Arbitration Testimony (2010), Deposition Testimony (2010).

*O'Donovan, De La Torre, Saysourivong, and all others similarly situated. v. CashCall, Inc.*, U.S. District Court - Northern District of California, Case No. 3:08-cv-03174, Declaration (2010).

*Bibiji Inderjit Kaur Puri v. Golden Temple of Oregon, LLC*, Arbitration Service of Portland, Arbitration Testimony (via perpetuation deposition, 2011).

*Bernal and all others similarly situated v. Southwestern Pacific Specialty Finance, Inc. d/b/a Check 'N Go*, U.S. District Court - Northern District of California, Case No. 4:12-cv-05797, Declaration (2012).

*FortuNet, Inc. v. Playbook Publishing, LLC, et al.*, Nevada District Court, Clark County, Case No. A-11-645734-B, Trial Testimony (2013).

*PQ Labs, Inc. v. Yang Qi, et al.*, U.S. District Court - Northern District of California, Case No. 4:12-cv-00450, Deposition Testimony (2013), Declaration (2014), Trial Testimony (2014).

*Munson v. Splice Communications, Inc., Coan, and Bischoff*, U.S. District Court - Northern District of California, Case No. 3:12-cv-05089, Trial Testimony (2014).

*Sky Zone, LLC v. Raymond et al.*, U.S. District Court - District of Nevada, Case No. 3:11-cv-00141, Deposition Testimony (2015).

*Alfred, Barrish, and all others similarly situated v. Pepperidge Farm, Inc.*, U.S. District Court - Central District of California, Case No. 2:14-cv-07086, Declaration (2015).

*Robert Tomassini, and all others similarly situated v. FCA US LLC (f/k/a Chrysler Group LLC)*, U.S. District Court – Northern District of New York, Case No. 3:14-cv-01226, Declaration (2016), Deposition Testimony (2017).

*Anthony Shamrell and Daryl Tysdyk, and all other similarly situated v. Apple, Inc.*, Superior Court of California, County of San Diego, Case No. 37-2013-00055830, Declaration (2017), Deposition Testimony (2017).

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
1	Capital One Financial Corp. et al., Counterclaim-Plaintiffs v. Intellectual Ventures I LLC et al., Counterclaim-Defendants (Case No. 8-14-cv-00111)	D	Antitrust	U.S. District Court, District of Maryland (Greenbelt Division)	Damages Analysis	<input type="checkbox"/>
2	Cisco Sys. Inc. v. Alcatel USA, Inc. et al.	D	Antitrust	U.S. District Court, Eastern District of Texas	Antitrust Liability and Damages Analysis	<input type="checkbox"/>
3	Smith Street Mill, Inc. v. Weherhaeuser (Civil No. 04-1049-PA)	D	Antitrust	U.S. District Court, District of Oregon	Antitrust Liability and Damages Analysis	<input type="checkbox"/>
4	Syngenta Seeds, Inc. v. Monsanto Company	D	Antitrust	U.S. District Court, District of Delaware	Antitrust Liability and Damages Analysis	<input type="checkbox"/>
5	Washington Alder v. Weyerhaeuser (Civil No. 03-0552-PA)	D	Antitrust	U.S. District Court, District of Oregon	Antitrust Liability and Damages Analysis	<input type="checkbox"/>
6	Westwood Lumber Co. v. Weyerhaeuser (Civil No. 03-0551-PA)	D	Antitrust	U.S. District Court, District of Oregon	Antitrust Liability and Damages Analysis	<input type="checkbox"/>
7	Bradburn Parent/Teacher Store, Inc.. v. 3M	D	Antitrust (Class Action)	U.S. District Court, Eastern District of Pennsylvania	Class Certification Analysis	<input type="checkbox"/>
8	In re American Express Anti-Steering Rules Antitrust Litigation	P	Antitrust (Class Action)	U.S. District Court, Southern District of New York	Class Certification Analysis; Antitrust Liability and Damages Analysis	<input type="checkbox"/>
9	In Re Microsoft Corp. Antitrust Litigation	P	Antitrust (Class Action)	U.S. District Court, District of Maryland Maryland	Antitrust Liability Analysis	<input type="checkbox"/>
10	In re Payment Card Interchange Fee and Merchant-Discount Antitrust Litigation	P	Antitrust (Class Action)	U.S. District Court, Eastern District of New York	Damages Analysis	<input type="checkbox"/>
11	Morelock Enterprises, Inc. v. Weyerhaeuser	D	Antitrust (Class Action)	U.S. District Court, District of Oregon	Class Certification, Antitrust Liability and Damages Analysis	<input type="checkbox"/>
12	Bancorp v. Sun Life Assurance	P	Breach of Contract		Damages Analysis	<input type="checkbox"/>
13	Bank One, Oklahoma, N.A. et al. v. Trammel Crow Services, Inc. et al. (Case No. 03 C 3624)	D	Breach of Contract	U.S. District Court, Northern District of Illinois (Eastern Division)	Damages Analysis	<input type="checkbox"/>
14	Columbia Aircraft v. Affiliated FM Insurance	P	Breach of Contract	Circuit Court of the State of Oregon, Multnomah County	Damages Analysis	<input type="checkbox"/>
15	Etex Corp. v. Medtronic, Inc.	P	Breach of Contract	Arbitration	Damages Analysis	<input type="checkbox"/>
16	Lima Development Inc.et al. v. Columbia Aircraft Manufacturing fka The Lancair Company	D	Breach of Contract	Oregon Circuit Court, Deschutes County	Perform Financial Review	<input type="checkbox"/>
17	Pixelworks v. Fox (individual)	P	Breach of Contract		Damages Analysis	<input type="checkbox"/>
18	MedCorp, Inc. v. Pinpoint Technologies, Inc. et al.	P	Breach of Contract and Fraud in the Inducement	U.S. District Court, District of Colorado	Damages Analysis	<input checked="" type="checkbox"/>

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>	
19	Fortunet, Inc. v. Playbook Publishing et al. (Case No. A-11-645734-B)	P	Breach of Contract, Breach of Fiduciary Duty, Fraud, RICO, Misappropriation (Theft) of Trade Secrets	Nevada District Court, Clark County	Damages Analysis	<input checked="" type="checkbox"/>
20	Viasphere International, Inc. v. Aram Vardanyan (Case No. 5:12-cv-01536)	P	Breach of Contract, Intentional and Negligent Misrepresentation, Conversion, and Other Misc. Allegations	U.S. District Court, Northern District of California, San Jose Division	Damages Analysis	<input checked="" type="checkbox"/>
21	Dr. Ho (Individual) v. California Advanced Imaging Medical Associates, et al.	P	Breach of Contract; Employment	Judicial Arbitration and Mediation Services (JAMS)	Damages Analysis	<input checked="" type="checkbox"/>
22	Asahi Kasei Pharma Corp. v. Actelion Ltd. Et al.	P	Breach of Contract; Intentional Interference with Contract	Superior Court of the State of California, County of San Mateo	Damages Analysis	<input type="checkbox"/>
23	Illinois Tool Works, Inc. et al. vs. Seattle Safety, LLC	D	Breach of Contract; Misappropriation (Theft) of Trade Secrets; Conversion; Unfair Competition	U.S. District Court, Western District of Washington (Seattle)	Damages Analysis	<input type="checkbox"/>
24	DefensTech International, Inc. v. Edward Robert Fyfe, et al. (Case No. 30-2014-00697473)	P	Breach of Fiduciary Duty and Slander of Title	Superior Court of California, County of Orange	Damages Analysis	<input checked="" type="checkbox"/>
25	In re Chase Bank USA, N.A. "Check Loan" Contract Litigation	P	Class Action Breach of Implied Covenant of Good Faith and Fair Dealing	U.S. District Court, Northern District of California	Class Certification Analysis	<input type="checkbox"/>
26	Shamrell et al. v. Apple, Inc. (Case No. 37-2013-00055830)	P	Class Action Consumers Legal Remedies Act, Breach of Express and Implied Warranty, Violation of Song-Beverly Act, Magnuson-Moss Warranty Act, California Unfair Competition	Superior Court of California, County of San Diego	Class Certification Analysis	<input checked="" type="checkbox"/>
27	Alfred, Barrish, and all others similarly situated v. Pepperidge Farm, Inc. (Case No. 2:14-cv-07086)	P	Class Action Employment (Failure to Pay California Overtime Compensation and other Misc. Allegations) and Violations of the Unfair Competition Law; and Representative Action Complaint for Civil Penalties Under Labor Code Private Attorney General Act	U.S. District Court, Central District of California	Class Certification Analysis	<input checked="" type="checkbox"/>
28	In re Textile Rental Services Litigation (Case No. CV-05-19)	Both	Class Action Fraud and Breach of Contract	Circuit Court of Barbour County, Alabama (Clayton Division)	Valuation of settlement agreement.	<input type="checkbox"/>
29	Callaway, Callaway, and all others similarly situated v. Mercedes-Benz USA, LLC and Mission Imports d/b/a Mercedes-Benz of Laguna Niguel (Case No. 8:14-cv-02011)	P	Class Action Fraudulent Non-Disclosure, Violations of CA Business and Professions Code, Violations of CA Consumers Legal Remedies Act	U.S. District Court, Central District of California	Class Certification Analysis	<input type="checkbox"/>

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**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>	
30	Tomassini, and all other similarly situated v. FCA US LLC (f/k/a Chrysler Group LLC) (Case No. 3:14-cv-01226)	P	Class Action Unfair and Deceptive Trade Practices, Breach of Express Warranty,	U.S. District Court, Northern District of New York	Class Certification Analysis	<input checked="" type="checkbox"/>
31	Paula Bernal, et al. (Class) v. Southwestern & Pacific Specialty Finance, Inc. DBA Check 'N Go (Case No. 4:12-cv-05797)	P	Class Action Unfair Competition and Violation of California Finance Lender's Law	U.S. District Court, Northern District of California (Oakland Division)	Class Certification Analysis	<input checked="" type="checkbox"/>
32	Schmitz and Steward, et al. v. Wal-Mart Stores, Inc.	P	Class Action Unfair Competition, Consumer Legal Remedies Act, False Advertising	U.S. District Court, Eastern District of California	Damages Analysis	<input type="checkbox"/>
33	Perez, et al. v. First American Title Insurance Company	P	Class Action Unjust Enrichment and Unfair Discriminatin	U.S. District Court, District of Arizona	Damages Analysis	<input type="checkbox"/>
34	O'Donovan et al. (Class) v. CashCall, Inc.	P	Class Action Unlawful / Unfair Business Practices and Other Misc. Violations	U.S. District Court, Northern District of California	Class Certification Analysis	<input checked="" type="checkbox"/>
35	Weinrib v. Williams-Sonoma, Inc., et al.	D	Copyright Infringement	U.S. District Court, Southern District of New York	Damages Analysis	<input checked="" type="checkbox"/>
36	XimpleWare Corp. v. Versata Software, Inc. f/k/a Trilogy Software, Inc. et al. (Case No. 3:13-cv-05160)	P	Copyright Infringement, Violation of Lanham Act 43(a), Breach of Contract, Unfair Competition	U.S. District Court, Northern District of California	Damages Analysis	<input checked="" type="checkbox"/>
37	Holtzclaw v. CertainTeed Corp.	D	Employment	U.S. District Court, Eastern District of California (Fresno)	Damages Analysis	<input checked="" type="checkbox"/>
38	Martin (Individual) v. Ricoh Americas Corporation et al.	D	Employment	Judicial Arbitration and Mediation Services (JAMS)	Damages Analysis	<input checked="" type="checkbox"/>
39	Dennis E. Munson v. Splice Communications, Inc., Andrew Coan, and Scott Bischoff (Case No. 3:12-cv-05089)	D	Employment (Unlawful Retaliation, Breach of Agreement, Violation of Labor Code, and Other Misc. Allegations)	U.S. District Court, Northern District of California	Damages Analysis	<input checked="" type="checkbox"/>
40	Grewal (Individual) v. Choudhury (Individual)	P	Fraud and Deceit, Recovery on a Promissory Note	U.S. District Court, Northern District of California	Damages Analysis	<input checked="" type="checkbox"/>
41	JCM American Corporation v. Mars Electronics International, Inc., Thomas P. Nugent	P	Misappropriation (Theft) of Trade Secrets	Nevada District Court, Clark County; Case No. A507304	Damages Analysis	<input type="checkbox"/>
42	UniRam Technology, Inc. v. Monolithic System Technology, Taiwan Semiconductor Manufacturing Company, Ltd., TSMC North America	P	Misappropriation (Theft) of Trade Secrets	U.S. District Court, Northern District of California. Case No. CV-04-01268-VRW	Damages Analysis	<input type="checkbox"/>
43	Nevada Heat Treating, Inc. v. Sulphco, Inc.	P	Misappropriation (Theft) of Trade Secrets, Breach of Contract	Nevada District Court, Washoe County	Damages Analysis	<input checked="" type="checkbox"/>
44	Vesta Corp. v. Amdocs Management Ltd. and Amdocs, Inc. (Case No. 3:14-cv-01142)	D	Misappropriation (Theft) of Trade Secrets, Breach of Contract	U.S. District Court, District of Oregon (Portland Division)	Damages Analysis	<input type="checkbox"/>

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**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>	
45	Creative Concepts Software, Inc. v. Mobiletech Solutions, Inc., et al. (Case No. SA CV 05-00670)	D	Misappropriation (Theft) of Trade Secrets, Breach of Contract & Tortious Interference, Lanham Act (False Advertising)	U.S. District Court, Central District of California (Southern Division)	Damages Analysis	<input type="checkbox"/>
46	Elemental LED, LLC and Elemental LED, Inc. v. Alan B. Rose, Lighting Management Group, and Alloy LED, LLC (Case No. BC602281)	P	Misappropriation (Theft) of Trade Secrets, Breach of Contract, and Breach of Implied Covenant of Good Faith and Fair Dealing	Superior Court of California, County of Los Angeles, Central District	Damages Analysis	<input checked="" type="checkbox"/>
47	Elemental LED, LLC and Elemental LED, Inc. v. Maxwell E. Darling (Case No. CV15-02247)	P	Misappropriation (Theft) of Trade Secrets, Breach of Contract, and Breach of Implied Covenant of Good Faith and Fair Dealing	Nevada District Court, Washoe County	Damages Analysis	<input checked="" type="checkbox"/>
48	Mac solutions, Inc. v. Apple Computer, Inc.	P	Misappropriation (Theft) of Trade Secrets, Breach of Contract, Fraud		Damages Analysis	<input type="checkbox"/>
49	BladeRoom Group Limited, et al., v. FaceBook, Inc. (Case No. 5:15-cv-01370)	P	Misappropriation (Theft) of Trade Secrets, Breach of Contract, Unfair Business Practices / Unfair Competition; Breach of Covenant of Good Faith & Fair Dealing	U.S. District Court, Northern District of California - San Jose Division	Damages Analysis	<input type="checkbox"/>
50	PQ Labs, Inc. v. Yang Qi, ZaagTech Inc., Jinpeng Li, and Haipeng Li (Case No. 4:12-cv-00450)	D	Misappropriation (Theft) of Trade Secrets, Copyright Infringement, Trademark Infringement, Lanham Act Violations, and Other Misc. Allegations	U.S. District Court, Northern District of California, Oakland Division	Damages Analysis	<input checked="" type="checkbox"/>
51	Ameranth, Inc. v. Genesis Gaming Solutions, Inc., et al. (Case No. 8:11-cv-00189)	D	Misappropriation (Theft) of Trade Secrets, Interference with Contractual Relations, Interference with Prospective Economic Advantage, Patent Infringement	U.S. District Court, Central District of California	Damages Analysis	<input checked="" type="checkbox"/>
52	Waymo LLC v. Uber Technologies, Inc.; Ottomotto LLC; Otto Trucking LLC (Case No. 3:17-cv-00939)	P	Misappropriation (Theft) of Trade Secrets, Patent Infringement, Violation of CA Bus. & Prof. Code 17200	U.S. District Court, Northern District of California (San Francisco Division)	Damages Analysis	<input type="checkbox"/>
53	IV League, Inc. v. Pharmaco, Inc. et al	D	Misappropriation (Theft) of Trade Secrets, Unfair Business Practices	Superior Court of the State of California	Damages Analysis	<input type="checkbox"/>
54	North American Title v. Liberty Title Company	D	Misappropriation (Theft) of Trade Secrets, Unfair Business Practices, Intentional Interference	Superior Court of the State of California (Contra Costa County)	Damages Analysis	<input type="checkbox"/>
55	Global Sign, LLC et al. v. Merto (individual) et al.	P	Misappropriation (Theft) of Trade Secrets, Unfair Competition, Theft of Trade Name, Breach of Contract	Superior Court of the State of California (Orange County)	Damages Analysis	<input type="checkbox"/>

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**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
56	Ajaxo, Inc. v. E*Trade Group, Inc et al.	D	Misappropriation (Theft)of Trade Secrets, Breach of Contract	Superior Court of California, County of Santa Clara	Damages Analysis	<input type="checkbox"/>
57	Consulting work for Cohen and ProCinea	N/A	Non-Litigation Consulting	N/A	Design Analytical Model	<input type="checkbox"/>
58	Consulting work for COMPTEL/ALTS	N/A	Non-Litigation Consulting	N/A	Prepare FCC Comment Analyzing Local Phone Pricing	<input type="checkbox"/>
59	Consulting work for Fidelity Investments	N/A	Non-Litigation Consulting	N/A	Analyze Trading Data for Evidence of Wrongful Conduct	<input type="checkbox"/>
60	Consulting work for Lloyds of London	N/A	Non-Litigation Consulting	N/A	Analyze Lloyds Insurance Liability Related to Enron	<input type="checkbox"/>
61	Consulting work for Sprint	N/A	Non-Litigation Consulting	N/A	Prepare Comment for Texas PUC	<input type="checkbox"/>
62	Consulting work for Sprint and Nextel realted to their proposed merger	N/A	Non-Litigation Consulting	N/A	Merger Analysis	<input type="checkbox"/>
63	Consulting work for Telstra	N/A	Non-Litigation Consulting	N/A	Perform Benchmarking Study	<input type="checkbox"/>
64	Consulting work for Vodafone	N/A	Non-Litigation Consulting	N/A	Prepare Comment for EU on Cellular Roaming Charges	<input type="checkbox"/>
65	Licensing Consulting related to automobile battery systems	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
66	Licensing Consulting related to Casino Gaming (cannot disclose due to confidentiality agreement)	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
67	Licensing Consulting related to casino gaming devices	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
68	Licensing Consulting related to casino gaming systems	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
69	Licensing Consulting related to computers, printers, and enterprise hardware	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
70	Licensing Consulting related to computers, printers, tablets, and enterprise hardware	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
71	Licensing Consulting related to enterprise and security software	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
72	Licensing Consulting related to hearing instruments	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
73	Licensing Consulting related to insurance	N/A	Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>



**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
74	Licensing Consulting related to internet advertising	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input type="checkbox"/>
75	Licensing consulting related to networking equipment	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
76	Licensing Consulting related to operating system software	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input type="checkbox"/>
77	Licensing Consulting related to printers and scanners	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
78	Licensing Consulting related to printers and scanners	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
79	Licensing Consulting related to printers and scanners	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
80	Licensing Consulting related to printers, computers, and storage systems	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input type="checkbox"/>
81	Licensing Consulting related to printers, scanners and cameras	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
82	Licensing Consulting related to printers, scanners, and cameras	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
83	Licensing Consulting related to printers, scanners, cameras, and medical devices	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
84	Licensing Consulting related to Providers of Cellular Service	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
85	Licensing Consulting related to retail banking	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
86	Licensing Consulting related to server operating systems	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
87	Licensing Consulting related to servers and middleware software	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input type="checkbox"/>
88	Licensing Consulting related to servers, storage systems, and middleware software	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input type="checkbox"/>
89	Licensing Consulting related to social networking platforms	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
90	Licensing Consulting related to tablet devices and advertising	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
91	Licensing Consulting related to video game systems	N/A Non-litigation Consulting (Licensing)	N/A	Licensing Consulting	<input checked="" type="checkbox"/>
92	Advanced Neuromodulation Systems, Inc. v. Advanced Bionics Corporation (Civil No. 4:04cv131)	P Patent Infringement	U.S. District Court, Eastern District of Texas (Sherman Division)	Damages Analysis	<input type="checkbox"/>
93	Aircraft Technical Publishers v. Avantext, Inc.	P Patent Infringement	U.S. District Court, Northern District of California (San Francisco Division)	Damages Analysis	<input type="checkbox"/>
94	AllVoice Developments v. Microsoft Corp.	P Patent Infringement	U.S. District Court, Western District of Washington	Damages Analysis	<input type="checkbox"/>

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
95	Altana Pharma, AG and Wyeth v. Teva Pharmaceuticals USA, Inc. and Teva Pharmaceuticals, Ltd.	D	Patent Infringement	U.S. District Court, District of New Jersey	Declaration related to Motion for Injunction	<input type="checkbox"/>
96	Ameranth, Inc. v. Genesis Gaming Solutions, Inc., et al. (Case No. 8:13-cv-00720)	D	Patent Infringement	U.S. District Court, Central District of California	Damages Analysis	<input type="checkbox"/>
97	Apple Inc. v. Samsung Electronics Co., Ltd. et al. (Case No. 12-cv-00630)	D	Patent Infringement	U.S. District Court, Northern District of California	Damages Analysis	<input type="checkbox"/>
98	Bally Technologies, Inc. v. Business Intelligence Systems Solutions, Inc.	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis	<input checked="" type="checkbox"/>
99	Bee Stinger, LLC v. Leven Industries (Case No. 2:13-cv-00026)	D	Patent Infringement	U.S. District Court, District of Utah	Damages Analysis	<input checked="" type="checkbox"/>
100	Charles E. Hill & Associates, Inc. v. Abercrombie & Fitch Co., et al.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
101	Charles E. Hill & Associates, Inc. v. Abt Electronics, Inc. et al. (2:09-cv-00313)	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
102	Commonwealth Scientific and Industrial Research Organization v. Toshiba et al.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Tyler Division)	Damages Analysis	<input type="checkbox"/>
103	Convolve, Inc. v. Dell, Inc. et al.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
104	Datcard Systems Inc. v. Codonics, Inc.	P	Patent Infringement	U.S. District Court, Central District of California	Damages Analysis	<input type="checkbox"/>
105	Dominion Assets LLC v. Masimo Corp. and Cercacor Laboratories, Inc. (Case No. 5:12-cv-02773)	D	Patent Infringement	U.S. District Court, Northern District of California, Oakland Division	Damages Analysis	<input checked="" type="checkbox"/>
106	Dominion Assets LLC v. Masimo Corp. and Cercacor Laboratories, Inc. (Case No. 5:14-cv-03002)	D	Patent Infringement	U.S. District Court, Northern District of California, Oakland Division	Damages Analysis	<input checked="" type="checkbox"/>
107	Eagle Harbor Holdings LLC and MediusTech, LLC v. Ford Motor Co. (Case No. 3:11-cv-05503)	P	Patent Infringement	U.S. District Court, Western District of Washington (Tacoma)	Damages Analysis	<input type="checkbox"/>
108	Eolas Technologies Inc. v. Adobe Systems Inc., et al. (client is Texas Instruments Inc.)	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Tyler Division)	Damages Analysis	<input checked="" type="checkbox"/>
109	Expert not yet disclosed to parties	P	Patent Infringement	U.S. District Court, Central District of California (Western Division)	Damages Analysis	<input type="checkbox"/>
110	Function Media LLC v. Google, Inc. and Yahoo!, Inc.	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
111	FutureLogic, Inc. v. Nanoptix, Inc.	D	Patent Infringement	U.S. District Court, Central District of California (Western Division)	Damages Analysis	<input checked="" type="checkbox"/>

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
112	GraphOn Corp v. Classified Ventures, LLC et al.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis <input type="checkbox"/>
113	GraphOn Corp. v. Juniper Networks, Inc.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis <input type="checkbox"/>
114	GraphOn v. AutoTrader.com, Inc.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis <input type="checkbox"/>
115	In re: NeuroGrafix ('360) Patent Litigation, retained by Toshiba America Medical Systems and Toshiba Medical Systems Corp. (MDL No. 13-md-2432)	D	Patent Infringement	U.S. District Court, District of Massachusetts	Damages Analysis <input checked="" type="checkbox"/>
116	Intel Corp., et al. v. Commonwealth Scientific and Industrial Research Organizational	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Tyler Division)	Damages Analysis <input type="checkbox"/>
117	Intellectual Ventures I LLC and Intellectual Ventures II LLC v. Symantec Corp. (Case No. 1:13-cv-00440)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis <input type="checkbox"/>
118	Intellectual Ventures I LLC v. Check Point Software Technologies Ltd. Et al. (Case No. 10-cv-1067)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis <input type="checkbox"/>
119	Intellectual Ventures I LLC v. Trend Micro Inc. and Trend Micro, Inc. (USA) (Case No. 12-cv-01581)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis <input type="checkbox"/>
120	Intellectual Ventures I LLC, et al. v. Capital One Financial Corp., et al. (Case No. 1:13-cv-00740)	P	Patent Infringement	U.S. District Court, Eastern District of Virginia (Alexandria Division)	Damages Analysis <input type="checkbox"/>
121	Intellectual Ventures I LLC, et al. v. Capital One Financial Corp., et al. (Case No. 8-14-cv-00111)	P	Patent Infringement	U.S. District Court, District of Maryland (Greenbelt Division)	Damages Analysis <input type="checkbox"/>
122	Intellectual Ventures I LLC, et al. v. PNC Financial Services Group, Inc., et al. (Case No. 2:13-cv-00740)	P	Patent Infringement	U.S. District Court, Western District of Pennsylvania	Damages Analysis <input type="checkbox"/>
123	Intellectual Ventures II LLC v. Commerce Bancshares, Inc. and Commerce Bank (Case No. 2:13-cv-04160)	P	Patent Infringement	U.S. District Court, Western District of Missouri - Central Division	Damages Analysis <input type="checkbox"/>
124	Intellectual Ventures II LLC v. JP Morgan Chase & Co. et al. (Case No. 1:13-cv-03777)	P	Patent Infringement	U.S. District Court, Southern District of New York	Damages Analysis <input type="checkbox"/>
125	Intellectual Ventures II LLC v. SunTrust Banks, Inc. and SunTrust Bank (Case No. 1:13-cv-02454)	P	Patent Infringement	U.S. District Court, Northern District of Georgia - Atlanta Division	Damages Analysis <input type="checkbox"/>
126	Japan Cash Machine Co. Ltd. and JCM American Corp. v. MEI, Inc.	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis <input type="checkbox"/>
127	JS Products, Inc. v. Kabo Tool Co. et al. (2:11-cv-01856)	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis <input checked="" type="checkbox"/>

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**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
128	Juniper Networks, Inc. v. GraphOn Corp. et al.	D	Patent Infringement	U.S. District Court, Eastern District of Virginia (Alexandria Division)	Damages Analysis	<input type="checkbox"/>
129	Light Guard Systems, Inc. v. Spot Devices, Inc.	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis	<input checked="" type="checkbox"/>
130	Marvell v. Commonwealth Scientific and Industrial Research Organization	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Tyler Division)	Damages Analysis	<input type="checkbox"/>
131	Masimo Corp. v. Philips Electronics North America Corp. and Philips Medizin Systeme Boblingen GMBH (Civil Action No. 09-80)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis	<input type="checkbox"/>
132	Masimo Corp. v. Philips Electronics North America Corp. and Philips Medizin Systeme Boblingen GMBH (Civil Action No. 11-742)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis	<input type="checkbox"/>
133	MEI, Inc. v. JCM American Corp. and Japan Cash Machine Co. Ltd.	D	Patent Infringement	U.S. District Court, District of New Jersey	Damages Analysis	<input type="checkbox"/>
134	Microscan Systems, Inc. v. Cognex Corp. et al.	P	Patent Infringement	U.S. District Court, Western District of Washington (Seattle)	Damages Analysis	<input checked="" type="checkbox"/>
135	Microsoft Corp. v. St. Clair Intellectual Property Consultants, Inc.	D	Patent Infringement	U.S. District Court, District of Delaware	Damages and Econometric Analysis	<input type="checkbox"/>
136	Microsoft Corp., et al. v. Commonwealth Scientific and Industrial Research Organisations	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Tyler Division)	Damages Analysis	<input type="checkbox"/>
137	Microunity Systems Engineering, Inc. v. Acer Inc., et al. (client: Texas Instruments Inc.; Motorola Mobility, Inc.; LG Electronics, Inc.; LG Electronics Mobilecomm U.S.A., Inc.; Nokia Corp.; and Nokia Inc.)	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
138	Motorola Mobility, Inc. v. Microsoft Corp.	P	Patent Infringement	U.S. District Court, Southern District of Florida	Damages Analysis	<input type="checkbox"/>
139	Otter Products, LLC v. Treefrog Developments, Inc. d/b/a LifeProof (Case No. 1:11-cv-02180)	P	Patent Infringement	U.S. District Court, District of Colorado	Damages Analysis	<input type="checkbox"/>
140	Paid Search Engine Tools, LLC v. Google, Inc. and Microsoft Corp.	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
141	Papyrus Technology Corp. v. New York Stock Exchange, Inc.	P	Patent Infringement	U.S. District Court, Southern District of New York	Damages Analysis	<input type="checkbox"/>
142	Power Integrations, Inc. v. Fairchild Semiconductor Intl. et al.	D	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis	<input type="checkbox"/>
143	Premier International Associates, LLC v. Microsoft Corp. et al.	P	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
144	Qualcomm, Inc v. Broadcom Corp. (Case No. 05 CV 1662 B (DLM))	D	Patent Infringement	U.S. District Court, Southern District of California	Damages Analysis	<input type="checkbox"/>

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
145	Richtek Technology Corp. v. uPI Semiconductor Corp. et al. (Case No. 3:09-cv-05659)	P	Patent Infringement	U.S. District Court, Northern District of California	Damages Analysis	<input type="checkbox"/>
146	Semcon IP Inc. v. MediaTek Inc. and MediaTek USA Inc. (Case No. 2:16-cv-00438)	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
147	Semcon IP Inc. v. Texas Instruments Inc. (Case No. 2:16-cv-00440)	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
148	Silicon Graphics, Inc. v. ATI Technologies, Inc.	D	Patent Infringement	U.S. District Court, Western District of Wisconsin	Damages Analysis	<input type="checkbox"/>
149	Sky Zone, LLC v. Raymond et al. (Case No. 3:11-cv-00141)	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis	<input checked="" type="checkbox"/>
150	St. Clair Intellectual Property Consultants, Inc. v. Acer, Inc. et al.	P	Patent Infringement	U.S. District Court, District of Delaware	Damages and Econometric Analysis	<input type="checkbox"/>
151	St. Clair Intellectual Property Consultants, Inc. v. Hewlett-Packard Co.	P	Patent Infringement	U.S. District Court, District of Delaware	Damages and Econometric Analysis	<input type="checkbox"/>
152	St. Jude Medical, Inc. et al. v. Access Closure, Inc.	D	Patent Infringement	U.S. District Court, Western District of Arkansas (Texarkana Division)	Damages Analysis	<input type="checkbox"/>
153	Symantec v. Microsoft Corp.	P	Patent Infringement		Damages Analysis	<input type="checkbox"/>
154	TableMax IP Holdings, Inc., TableMax Gaming, Inc., and Vegas Amusement, Inc. v. Shuffle Master, Inc.	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis	<input checked="" type="checkbox"/>
155	Townshend Intellectual Property, LLC v. Broadcom Corp.	P	Patent Infringement	U.S. District Court, Northern District of California (San Jose)	Damages Analysis	<input type="checkbox"/>
156	TV Interactive Corp. v. Microsoft Corp. (Case No. 02 C 02385)	P	Patent Infringement	U.S. District Court, Northern District of California (Oakland Division)	Damages Analysis	<input type="checkbox"/>
157	United Coin Machine, Co. v. Ardent Progressive Systems and Games, LLC, Golden Gaming, Inc., Golden Tavern Group, LLC, Golden Route Operations, LLC, Herbst Gaming, Inc., and E-T-T, Inc.	P	Patent Infringement	U.S. District Court, District of Nevada	Damages Analysis	<input checked="" type="checkbox"/>
158	UNOVA v. Hewlett Packard	P	Patent Infringement	U.S. District Court, Central District of California (Western Division)	Damages Analysis	<input type="checkbox"/>
159	Versata Software, Inc. et al. v. SAP America, Inc. et al.	D	Patent Infringement	U.S. District Court, Eastern District of Texas (Marshall Division)	Damages Analysis	<input type="checkbox"/>
160	Volumetrics Medical Imaging v. Medison Co. et al.	D	Patent Infringement	U.S. District Court, Middle District of North Carolina	Damages Analysis	<input type="checkbox"/>
161	Walker Digital, LLC and Walker Digital Lottery, LLC v. Multi-State Lottery Association (Case No. 1:10-cv-01113)	P	Patent Infringement	U.S. District Court, District of Delaware	Damages Analysis	<input checked="" type="checkbox"/>

**GREGORY A. PINSONNEAULT**  
**CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>	<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
162	Winn, Inc. v. Eaton Corp.	P	Patent Infringement	U.S. District Court, Eastern District of Michigan (Southern Division)	Damages Analysis <input type="checkbox"/>
163	XimpleWare Corp. v. Versata Software, Inc. f/k/a Trilogy Software, Inc. et al. (Case No. 3:13-cv-05161)	P	Patent Infringement	U.S. District Court, Northern District of California	Damages Analysis <input checked="" type="checkbox"/>
164	Nichia Corporation v. Seoul Semiconductor, Ltd. and Seoul Semiconductor, Inc.	D	Patent Infringement (Design Patent)	U.S. District Court, Northern District of California	Damages Analysis <input type="checkbox"/>
165	Nike, Inc. v. Skechers U.S.A., Inc. (Case No. 3:15-cv-00007)	D	Patent Infringement (Design Patents)	U.S. District Court, District of Oregon (Portland Division)	Damages Analysis <input type="checkbox"/>
166	Snap-On Inc. v. Harbor Freight Tools USA, Inc. (Case No. 16-C-1265)	D	Patent Infringement (Design Patents)	U.S. District Court, Eastern District of Wisconsin	Damages Analysis <input checked="" type="checkbox"/>
167	Bally Gaming, Inc. v. Aristocrat Technologies, Inc., Video Gaming Technologies, Inc., and Aristocrat Leisure Ltd. (Case No. 2:16-cv-02359)	D	Patent Infringement (Design Patents); Trademark Infringement; False Designation of Origin / Unfair Competition	U.S. District Court, District of Nevada	Damages Analysis <input type="checkbox"/>
168	Apple Inc. v. Samsung Electronics Co., Ltd. et al. (Case No. 11-cv-01846)	D	Patent Infringement (Utility and Design Patents), Trade Dress Infringement and Dilution, and Trademark Infringement	U.S. District Court, Northern District of California	Damages Analysis <input type="checkbox"/>
169	BlackBerry Ltd. v. Typo Products LLC and Show Media LLC (Case No. 3:14-cv-00023)	P	Patent Infringement (Utility and Design Patents), Trade Dress Infringement and Dilution, and Unfair Business Practices	U.S. District Court, Northern District of California	Damages Analysis <input checked="" type="checkbox"/>
170	Masimo Corp. v. Shenzhen Mindray Bio-Medical Electronics Co., LTD. (Case No. 8-12-cv-02206)	P	Patent Infringement, Breach of Contract	U.S. District Court, Central District of California (Southern Division)	Damages Analysis <input type="checkbox"/>
171	Grace (Individual) v. California State Automobile Association	P	Personal Injury	N/A	Damages Analysis <input checked="" type="checkbox"/>
172	James Neighbor (individual) v. Owens Mortgage Investment Fund, et al.	D	Personal Injury	Superior Court of California, County of Contra Costa	Damages Analysis <input checked="" type="checkbox"/>
173	Jaramillo v. BCI Coca-Cola et al.	P	Personal Injury	Superior Court of California, County of Madera	Damages Analysis <input checked="" type="checkbox"/>
174	Ryder-Loomis (Individual) v. Allstate Insurance Co.	P	Personal Injury	Superior Court of California, County of San Francisco	Damages Analysis <input checked="" type="checkbox"/>
175	Weiss (Individual) v. Laderman (Individual)	P	Personal Injury	Superior Court of California, County of San Francisco	Damages Analysis <input checked="" type="checkbox"/>
176	United States of America ex rel. R.C. Taylor, III v. Mario Gabelli, et al. (03-cv-08762)	D	Qui Tam (False Claims Act)	U.S. District Court, Southern District of New York	Liability and Damages Analysis <input type="checkbox"/>
177	Puri v. Golden Temple of Oregon, LLC	D	Trademark Infringement	Arbitration Service of Portland	Damages Analysis <input checked="" type="checkbox"/>
178	Rosetta Stone Ltd. v. Google Inc.	D	Trademark Infringement, False Representation, and Unfair Competition	U.S. District Court, Eastern District of Virginia (Alexandria Division)	Damages Analysis <input type="checkbox"/>

**GREGORY A. PINSONNEAULT  
CONSULTING AND TESTIMONY CASE LISTING**

	<b>Lawsuit</b>		<b>Type</b>	<b>Court</b>	<b>Work Performed</b>	<b>Retained Expert</b>
179	John Fogerty v. Stuart Cook, Douglas Clifford, and Poor Boy Productions, Inc. (Case No. 2:15-cv-06069)	P	Trademark Infringement, Lanham Act Violations, Unfair Competition, Breach of Contract	U.S. District Court, Central District of California	Damages Analysis	<input checked="" type="checkbox"/>
180	Gabriel et al. v. Idearc Media	D	Unfair Business Practices	U.S. District Court, Central District of California	Damages Analysis	<input type="checkbox"/>
181	Department of Enforcement v. Frank Quattrone	D	Violations of NASD Rules	National Association of Securities Dealers	Damages Analysis	<input type="checkbox"/>
182	Dias v. Kaiser Permanente	P	Wrongful Death	Mediation	Damages Analysis	<input checked="" type="checkbox"/>

# Exhibit B



**Callaway v. Mercedes-Benz**

**Exhibit B**

**Incident Rate Analysis**

**Seat Heaters Warranty Repair Incidence Rate for Mercedes Benz Cars Sold in the U.S.**

Class	Model Year														
	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>Class Vehicles</b>															
GL								7.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
M	1.5%	2.2%	3.0%	10.8%	8.9%	4.8%	0.8%	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
R							0.9%	3.3%	0.1%	0.0%	0.0%	0.0%			
<b>Non-Class Vehicles</b>															
B							0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
B ED															
C	0.1%	0.1%	0.2%	0.1%	0.1%	0.6%	0.1%	0.1%	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.0%
CL	0.0%	0.0%	0.0%	0.1%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%	0.1%	0.0%	0.0%	0.0%	0.0%
CLA															0.0%
CLK	0.8%	0.7%	0.5%	0.5%	0.2%	0.3%	0.1%	0.1%	0.0%	0.0%					
CLS							0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
E	0.1%	0.1%	0.1%	0.2%	0.3%	0.1%	0.1%	0.6%	0.5%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%
F										0.0%					
G			0.2%	0.2%	0.1%	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.1%	0.0%		
GLK											0.1%	0.1%	0.0%	0.0%	0.0%
MAY					0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		
S	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SL	0.1%	0.0%	0.1%	0.1%	0.2%	0.2%	0.1%	0.1%	0.1%	0.2%	0.0%	0.1%	0.2%	0.0%	0.0%
SLK	0.0%	0.0%	0.2%	0.2%	0.0%	1.6%	1.7%	0.7%	0.0%	0.1%	0.2%	0.0%	0.0%	0.0%	0.0%
Unknown	0.0%		0.0%												

**Sources:**

Original Warranty Claim Data.xlsx  
 Original Unit Sales (Seat Heaters Optional).xlsx  
 Original Additional Unit Sales (Seat Heaters Optional).xlsx  
 Email from Eric Knapp, April 27, 2016.

**Notes:**

Green shading indicates a Subject Vehicle.  
 Canadian sales (i.e. sales with "CD" coded in the "STATE CODE" field) are excluded.  
 I remove duplicate sales by VIN number in this analysis.  
 If there is a California sale and a non-California sale of a duplicate VIN number, I keep the California sale.  
 If there is a Canadian sale and a U.S. sale of a duplicate VIN number, I keep the U.S. sale.

# Exhibit C

**Callaway v. Mercedes-Benz** **Exhibit C**  
**Repairs Reported by Mercedes Benz**  
**Reported Warranty Repairs on Subject Vehicles by Mileage Bin**

Subject Vehicles		
<i>Bin (Lower Bound)</i>	<i>Bin (Upper Bound)</i>	<i>Repair Frequency</i>
1	5,000	11
5,001	10,000	74
10,001	15,000	266
15,001	20,000	454
20,001	25,000	712
25,001	30,000	773
30,001	35,000	946
35,001	40,000	895
40,001	45,000	835
45,001	50,000	947
<hr/>		
50,001	55,000	337
55,001	60,000	326
60,001	65,000	261
65,001	70,000	228
70,001	75,000	225
75,001	80,000	161
80,001	85,000	160
85,001	90,000	123
90,001	95,000	97
95,001	100,000	116
100,001	105,000	41
105,001	110,000	33
110,001	115,000	38
115,001	120,000	23
120,001	125,000	25
125,001	130,000	21
130,001	135,000	11
135,001	140,000	7
140,001	145,000	10
145,001	150,000	13
150,001	155,000	3
155,001	160,000	1
160,001	165,000	3
165,001	170,000	0
170,001	175,000	1
175,001	180,000	2
180,001	180,000+	10
<hr/>		
<b>Total:</b>		<b>8,189</b>
<b>Total After 50,000 Miles:</b>		<b>2,276</b>

Sources:  
 Original Warranty Claim Data.xlsx

# Exhibit D

**Callaway v. Mercedes-Benz**

**Exhibit D**

**Projected Repairs**

**Projected Repair Data by Mileage Bin (Based on Average Incidence Rate of 35,000 to 50,000 Mileage Bins)**

<b>Class Models</b>					
<i>Bin (Lower Bound)</i>	<i>Bin (Upper Bound)</i>	<i>Remaining Subject Vehicles Not Repaired</i>		<i>Repair Frequency</i>	<i>Incidence Rate</i>
		<i>[a]</i>		<i>[b]</i>	<i>[c]</i>
1	5,000		270,000	11	0.00%
5,001	10,000		269,989	74	0.03%
10,001	15,000		269,915	266	0.10%
15,001	20,000		269,649	454	0.17%
20,001	25,000		269,195	712	0.26%
25,001	30,000		268,483	773	0.29%
30,001	35,000		267,710	946	0.35%
35,001	40,000		266,764	895	0.34%
40,001	45,000		265,869	835	0.31%
45,001	50,000		265,034	947	0.36%
50,001	55,000		264,087	898	0.34%
55,001	60,000		263,189	895	0.34%
60,001	65,000		262,294	892	0.34%
65,001	70,000		261,402	889	0.34%
70,001	75,000		260,513	886	0.34%
75,001	80,000		259,627	883	0.34%
80,001	85,000		258,744	880	0.34%
85,001	90,000		257,864	877	0.34%
90,001	95,000		256,987	874	0.34%
95,001	100,000		256,114	871	0.34%
100,001	105,000		255,243	868	0.34%
105,001	110,000		254,375	865	0.34%
110,001	115,000		253,510	862	0.34%
115,001	120,000		252,647	859	0.34%
120,001	125,000		251,788	856	0.34%
125,001	130,000		250,932	853	0.34%
130,001	135,000		250,079	850	0.34%
135,001	140,000		249,228	848	0.34%
140,001	145,000		248,381	845	0.34%
145,001	150,000		247,536	842	0.34%
150,001	155,000		246,694	839	0.34%
155,001	160,000		245,855	836	0.34%
160,001	165,000		245,019	833	0.34%
165,001	170,000		244,186	830	0.34%
170,001	175,000		243,356	828	0.34%
175,001	180,000		242,528	825	0.34%
<b>Projected Malfunctions After 50,000 Miles</b>				<b>22,383</b>	
<b>Less: Repairs Reported by MBUSA After 50,000 Miles</b>				<b>(2,276)</b>	
<b>Projected Unrepaired Malfunctions</b>				<b>20,107</b>	

**Sources:**

- [a] For 1 to 5,000 Mileage Bin: I understand that MBUSA represented there are approximately 270,000 Subject Vehicles.  
For all other Mileage Bins: Calculated as [Remaining SUVs Not Repaired (Prior Mileage Bin)] less [Repair Frequency (Prior Mileage Bin)].
- [b] For Mileage Bins up to 50,000 miles: Exhibit C.  
For Mileage Bins > 50,000 miles: Calculated Based on Applying the Average Incidence Rate for the four Mileage Bins between 30,001 miles and 50,000 miles to the [Remaining Subject Vehicles Not Repaired]  
Average Incidence Rate for Mileage Bins between 30,001 and 50,000 miles: 0.34%
- [c] Calculated as: [b] / [a].