

## **DAVID B. FRANCOM, PH.D**

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David Francom has more than 25 years of business, economic consulting and teaching experience. He has specialized in economic analysis involving intellectual property and complex commercial litigation for diverse industries including pharmaceutical, medical devices, technology, heavy equipment, entertainment, financial services, and food processing. He has served in managing positions at LECG and Campos & Stratis prior to founding Applied Economics Consulting, LLC. Dr. Francom has extensive experience analyzing and calculating damages associated with patents, trademarks, trade secrets, copyrights and breach of contract. He has provided numerous economic analyses and litigation support strategies for intellectual property and complex commercial litigation matters. His experience includes analysis of lost profit damages, demand, market share, reasonable royalties, unjust enrichment, and providing expert testimony at deposition and trial.

Dr. Francom has also worked in the investment brokerage and banking industry and has been licensed by the NASD as a registered representative and general securities principal for equity and debt securities, options and futures. He also teaches graduate and undergraduate courses in economics and statistics and has served as university Director of Academic Affairs.

### **CONSULTING AND LITIGATION EXPERIENCE**

<b>Economic Consultant</b>	AE Consulting, LLC	2013- 2015
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Provided economic and litigation consulting services. Calculate damages associated with intellectual property including lost profit damages, market share, reasonable royalties, and unjust enrichment.

<b>Senior Managing Consultant</b>	LECG	2008 - 2009
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Led and managed large scale litigation and consulting projects including patent infringement, royalty disputes, breach of fiduciary duty, and business alter ego engagements;

Analyzed lost profit damages, market share, reasonable royalties, unjust enrichment, and provided expert testimony at deposition and at trial.

<b>Economist</b>	Campos & Stratis, Utah	2000-2007
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Led numerous intellectual property and complex commercial litigation matters;

Provided consulting services for firms in diverse industries including pharmaceutical and medical devices, sports equipment, entertainment, oil drilling, financial services, and complex commercial litigation;

Calculated damages associated with patents, copyrights, trademarks, trade secrets and breach of contract;

Analyzed lost profit damages, market share, reasonable royalties, unjust enrichment, and provided expert testimony at deposition and at trial.

#### **ACADEMIC ADMINISTRATION EXPERIENCE**

**Director of Academic Affairs** 2010 - 2017  
**College Chair, School of Business** U. of Phoenix, Utah

Managed up to 110 faculty and 4,000 students— responsible for team of governing area chairs, faculty quality reviews, faculty annual reviews, university assessment requirements and faculty training;

Responsible for meeting campus accreditation requirements; hiring and training faculty

Supervised implementation of new online platform;

#### **EDUCATION**

PhD, University of Utah, 2012	Economics Field Emphasis: Industrial Organization, Finance
MS, University of Utah, 1987	Economics
BA, University of Utah, 1982	Spanish

#### **PRESENTATIONS & PUBLICATIONS**

Aligning Assessment-using workshops to bring about more closely aligned assessment between faculty and Pre- and Post- Alignment Training results and how to better align assessment (round-table) with Jordan Fuller, CPA, 2016 Assessment Conference University of Phoenix, *Chicago, IL, April 21, 2016.*

Technology-based Classroom Assessment Techniques, with Richard Jaussi, MBA, 2016 Assessment Conference University of Phoenix, *Chicago, IL, April 22, 2016.*

New Method of Innovation in Biotechnology, Conferencia Internacional Alternativas de Desarrollo Sostenible, *Quito, Ecuador, June 7, 2012.*

Francom, D. B. Free love, Linux and leishmaniasis: Developing a business model for communitarian innovation [dissertation]. *Ann Arbor: The University of Utah; 2012.*

Valuing Intangible Assets for Litigation Disputes and Financial Reporting, course presenter, National Association of Certified Valuation Analysts (NACVA), *Phoenix, AZ, September 2007*

Overview of the VC Environment, discussion Panel Moderator, Licensing Executives Society (LES), *Salt Lake City, UT, June 2006*

## **LANGUAGES**

English, Spanish

## **OTHER**

Member of American Economic Association

Judge for 2016 and 2017 *Licensing Executives Society Foundation* International Business Plan Competition

Arbitrator for *Financial Industry Regulatory Authority (FINRA)*

Faculty Advisor for School of Business Honor Society, *Delta Mu Delta*

Volunteer instructor for *English as a Second Language* for immigrants

Past Chair/President for international non-profit charitable organization, *Children's Advocate*

## SUMMARIES OF SELECTED PREVIOUS ENGAGEMENTS

MATTER	PARTIES	SERVICES PROVIDED	INDUSTRY
Patent Infringement	<u>Kowalski, Hawaii International, Inc.</u> v. Ocean Duke Corp.	Testifying expert for an intellectual property matter involving patent infringement for in the food preservation and processing industry. Provided economic analysis and testimony on lost profit damages (Panduit factors) and reasonable royalty damages (Georgia-Pacific factors). Provided a rule 26 expert report and testimony at deposition and in US Federal Court.	Consumer Products & Services
Patent Infringement	<u>Kowalski, Hawaii International Seafood</u> v. Mommy Gina Tuna Resources, et al.	Testifying expert in a patent dispute involving seafood processors and U.S. Importers. Provided economic analysis of the Panduit factors and quantified lost profit; also, provided economic analysis of Georgia-Pacific factors to quantify reasonable royalty damages. Provided a rule 26 report and testimony at deposition and in US Federal Court.	Consumer Products & Services
Patent Infringement	Litecubes, LLC, et al. v. <u>Northern Lights, d/b/a GlowProducts.com</u>	Litigation consulting, economic analyses and damages calculations for a dispute involving intellectual property in the toys/novelties industry.	Consumer Products & Services
Trademark Infringement	Leneda, Inc. v. <u>Neptune Society of America, Inc.</u>	Economic valuation of trademark including lost profit, unjust enrichment, and corrective advertising in the funeral/cremation industry.	Consumer Products & Services

Trademark Infringement	Gary M. Kawesch, MD, Inc. v. <u>Antoine L. Garabet, MD.</u>	Litigation consulting services in trademark dispute involving the laser eye surgery industry. Provided economic analysis to quantify lost profit damages and unjust enrichment.	Consumer Products & Services
Trademark Infringement	<u>Smile, Inc. Asia PTE Ltd.</u> v. BriteSmile Management Inc., et al.	Project manager and economic analyst for trademark litigation in the dental industry. Provided valuation of trademarks in rule 26 report.	Consumer Products & Services
False Advertising, Unfair Competition, and Trademark Infringement	<u>H&amp;R Block Eastern Ent., Inc.</u> v. Intuit, Inc	Project manager and economic analyst for trademark litigation between national tax-preparation software providers. Provided analysis of unjust enrichment and lost profit damages in rule 26 report.	Consumer Products & Services
Copyright Infringement, Trade Dress Infringement, False Designation of Origin	<u>Student Lifeline, Inc.</u> v. The Senate of the State of New York, et al.	Forensic economic analysis and litigation services for copyright infringement dispute involving publication of copyrighted materials.	Consumer Products & Services
Copyright Infringement	<u>Import Resources Group, Inc.</u> v. WalMart, et al.	Forensic economic analysis and litigation services for copyright infringement dispute involving an importer of lawn and garden consumer products and several Fortune 500 retailers.	Consumer Products & Services

Breach of Contract, Copyright Infringement, Trademark Infringement, False Designation of Origin Dilution	MGA Entertainment, Inc. v. <u>Ubisoft Entertainment, S.A.</u>	Forensic economic services for multi-million dollar breach of contract dispute in litigation involving the video gaming industry. Performed economic and market analyses in projecting sales and lost profits in rule 26 report.	Entertainment
Royalty payment and contract analysis	THQ, Inc. v. <u>JAKKS Pacific, Inc.</u>	Case manager and analyst for a forensic team providing expert valuation regarding a multi-million dollar royalty payment and contract negotiation for a joint venture in the videogame industry.	Entertainment
Breach of Contract & Trade Secret Misappropriation	CD Listening Bar, d/b/a SuperD and Super D/Phantom Sound & Video v. <u>MSI Music Corp., et al.</u>	Economic analyst quantifying lost profits and for breach of contract and misappropriation of trade secrets in the music industry.	Entertainment
Patent Infringement	Roger D. Kooimba d/b/a Triple K Industries v. <u>Zacklift International, Inc. and Stanley Zackovich</u>	Project manager in quantifying lost profit and reasonable royalty damages for rule 26 report patent litigation in the heavy equipment and trucking industry.	Industrial Equipment
Patent Infringement	<u>Clock Springs LP</u> v. WrapMaster, Inc., et al.	Project manager for quantifying damages in patent litigation involving the oil pipeline repair industry. Provided analyses of market share, demand, capacity and calculated lost profit and reasonable royalty damages for rule 26 report.	Industrial Equipment

Trade Secret Dispute	<u>Memry Corp.</u> v. Kentucky Oil, NV, US Inc. et al.	Provided forensic economic services and litigation support for trade secret misappropriation.	Industrial Equipment
Wrongful Transfer of Patent	<u>Revolutions Medical Corp.</u> v. Andrew Goddard, et al.	Determined patent valuation of a safety syringe and wrote rule 26 report with lost profits analysis.	Pharmaceutical & Medical Device
Breach of Contract	<u>Andrx Therapeutics, Inc.</u> v. Mallinckrodt, Inc.	Provided forensic litigation services for a multi-million dollar royalty dispute involving breach of contract. Performed economic and market analyses and lost profits for rule 26 report.	Pharmaceutical & Medical Device
Contract Review	NPS Pharmaceuticals, Inc.	Project manager and economic analyst for litigation involving fraud in the pharmaceutical drug testing industry. Provided litigation support services and quantified economic damages.	Pharmaceutical & Medical Device
Patent Infringement	<u>Dr. Z. Paul Lorenc</u> v. Coapt Systems	Litigation support services involving a surgical device patent. Provided a multi-factor economic analysis in quantifying a reasonable royalty rate and economic damages.	Pharmaceutical & Medical Device
Patent Infringement	<u>Clinical Innovations, LLC, d/b/a Clinical Innovations, Inc.</u> v. Tyco Healthcare Group, LP, et al.	Litigation support service and quantified lost profit and reasonable royalty damages for rule 26 report for patented medical device.	Pharmaceutical & Medical Device
Patent Infringement	<u>Andrx Pharmaceutical, LLC</u> v. GlaxoSmithKline, PLC, et al.	Economic analyses and litigation services in calculating damages from patent infringement of an extended release pharmaceutical product.	Pharmaceutical & Medical Device

Patent Infringement	<u>Baden Sports v. Molten Corporation</u>	Project manager and economic analyst for services in patent litigation involving lost profit and reasonable royalty calculations in the sporting goods industry.	Sporting Goods
Patent Infringement	<u>Rollerblade, Inc. v. K2 Corporation</u>	Determined lost profit damages through analysis of market share, product demand, and production capacity. Also, provided analysis for reasonable royalty damages for rule 26 report.	Sporting Goods
Breach of fiduciary duty; stock valuation	<u>First Empire Corp., et al. v. Canouse, et al.</u>	Testifying expert for a breach of fiduciary duty and stock valuation dispute in the telecommunications industry.	Technology
Patent Infringement	<u>Sandata Technologies v. Infocrossing, Inc.</u>	Economic analyst and testifying expert for litigation involving telephony patents used in the healthcare industry. Performed economic analysis to quantify lost profit damages and reasonable royalty calculations. Provided litigation services, rule 26 expert report, and testimony at deposition.	Technology
Patent Infringement	<u>Data Treasury Corporation v. Ingenico, et al.</u>	Economic analysis and litigation services for a large international corporation involved in a patent dispute regarding a widely-used electronic data capture transmittal device. Provided a multi-factor analysis including hypothetical licensing negotiations in order to quantify reasonable royalty damages for rule 26 report.	Technology

Patent Infringement	<u>Electromotive v. Brunswick Corporation</u>	Economic analyses and litigation support in an electronic ignition control system patent dispute. Quantified economic damages based on a multi-factor reasonable royalty analysis.	Technology
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### TESTIMONY

<u>Sandata Technologies v. Infocrossing Inc</u>	Deposition	US Federal District Court, Southern District of New York	Patent Infringement	James E. Carty III, P.C.
<u>Kowalski, Hawaii International Seafood v. Ocean Duke Corp.</u>	Deposition Jury Trial	US Federal District Court, District of Hawaii	Patent Infringement	Cades Schutte, LLP
<u>Kowalski, Hawaii International Seafood v. Mommy Gina Tuna Resources, et al.</u>	Deposition Jury Trial	US Federal District Court, District of Hawaii	Patent Infringement	Cades Schutte, LLP
<u>First Empire Corp., et al. v. Canouse, et al.</u>	Deposition	Superior Court, Fulton County, GA	Breach of fiduciary duty; stock valuation	Tate Moerer & King, LLP