

Intellectual Property

The Value of Litigation Support in Intellectual Property Disputes

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In litigation support, win or lose isn't as important as by how much. This point is becoming especially significant in intellectual property disputes. Some examples:

Trademark Infringement

We were engaged by Defendant's counsel to provide calculations related to a company that imported and sold purportedly "knock-off" designer apparel. Plaintiff sued the company in Federal Court alleging copyright, trademark, and trade dress infringement. Defendant was found liable for damages arising from three years of sales activity. Since the company maintained poor accounting records, Smith Dickson's work involved reconstructing records from handwritten notes, testing the accuracy of the information, identifying sales data and deductible incremental costs, and determining the unjust enrichment of Defendant. Our testifying expert's opinion of the economic damages ultimately reduced the company's damage payments by over \$14 million.

Trade Secret Violations

In a theft of trade secrets case, we were retained by Plaintiff, the nation's second largest real estate industry conglomerate, to assess economic damages arising from a former employee who took a customer list and other confidential information with him to his new employer. Our computations of Plaintiff's profits from these customers before and after the incident revealed that our client suffered over \$1 million in lost profits.

Licensing Disputes

We were engaged by Plaintiff who is one of the world's largest providers of semiconductor and systems solutions for the aerospace and defense industry. The client sued for unpaid royalties from a patented photodiode they licensed to the Defendant. Smith Dickson's expert testified that Defendant's financial records exposed they were unjustly enriched by \$5.4 million. The jury awarded our client this damages amount plus interest.

Smith Dickson, an Accountancy Corporation, has decades of litigation support experience in matters involving intellectual property. Our work includes analyzing financial information, evaluating claims, calculating damages, preparing expert reports, and rendering expert testimony.