

ERIC MATOLO, PH.D.
Vice President

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Dr. Matolo specializes in the economic analysis of complex business matters. He is a consulting and testifying expert, and conducts expert analyses relating to antitrust, class certification, commercial damages, intellectual property, and labor. Examples of Dr. Matolo's experience include matters involving breach of contract, patent infringement, trademark infringement, copyright infringement, unfair competition, false advertisement, misappropriation of trade secrets, anticompetitive conspiracy, unlawful monopolization, wrongful termination, malpractice, pyramid scheme, economic and fiscal impacts of business operations, and business operations forecasts. Dr. Matolo's project experience includes matters covering a wide range of industries.

Dr. Matolo has also taught economics at the University of Southern California and served as a referee for the *International Journal of the Economics of Business*.

EDUCATION

Ph.D. University of California, Santa Barbara. Economics, 2008
M.A. University of California, Santa Barbara. Economics, 2004
B.A. University of California, Santa Barbara. Economics/Mathematics, 2003

PROFESSIONAL EXPERIENCE

2021-Present Cirque Analytics LLC, Vice President

2007-2021 Nathan Associates Inc.
Vice President: 2018 - 2021
Principal Economist: 2015 - 2018
Managing Economist: 2009 - 2015
Senior Economist: 2007 - 2009

2013-2015 University of Southern California, Economics Lecturer

SELECTED CONSULTING EXPERIENCE

Antitrust and Competition

- Evaluated economic damages related to breach of contract involving cloud storage services.
- Evaluated antitrust harm involving alleged anticompetitive exclusive agreements relating to non-lethal weapons projectiles.

- Analyzed lost profits damages related to alleged unlawful monopolization involving foot care devices.
- Evaluated common impact and damages, and unjust enrichment, related to an alleged undisclosed automotive defect.
- Evaluated relevant markets, market power, common impact, and direct purchaser damages involving a horizontal exclusive agreement among manufacturers of neuromodulator products for cosmetic use.
- Evaluated business practices in the context of allegations regarding a supplier of nutritional and personal care products operating a pyramid scheme.
- Evaluated damages related to allegations of interference and anticompetitive conspiracy regarding technology used in DRAM memory.
- Evaluated relevant markets and market power, and evaluated licensing structure as part of affirmative defenses for patent misuse for tying and double royalties, all related to the manufacture of flash memory devices.

Commercial Disputes / General Litigation

- Evaluated economic damages related to breach of contract involving solar energy projects.
- Evaluated economic damages related to breach of fiduciary duties and fraudulent acquisition of government contracts.
- Evaluated economic damages related to alleged breach of contract involving enterprise software for loan generations, processing, and servicing.
- Evaluated lost profits damages related to alleged breach of joint venture and non-disclosure agreements, and misappropriation of trade secrets involving mobile device application technology.
- Evaluated lost profits and impact to company value damages related to alleged breach of contract, intentional interference, and unfair competition involving long distance connection and conference calling solutions.
- Evaluated damages related to alleged breach of contract and unfair competition involving liquid repair and protection products for engine, cooling system, transmission, power steering system, body, and/or tire leaks or corrosion.
- Statistical sampling and damages evaluations regarding malpractice claims relating to class certification.
- Evaluated lost profits and disgorgement of profits damages related to alleged breach of contract, theft of trade secrets, and unfair competition associated with unlawful and unfair solicitation and raiding of employees in the virtualization and cloud computing infrastructure solutions industry.
- Evaluated replacement cost and lost profits damages related to alleged intentional interference involving femtocell wireless communications product suppliers.
- Evaluated damages related to alleged breach of contract involving retail automotive tires and wheels.
- Evaluated damages related to allegations of breach of written contract and negligence regarding technology used in aerospace equipment.

- Evaluated lost profits from counterclaims of fraud, breach of contract, and interference related to disaster recovery and construction services.
- Evaluated sampling and statistical analysis of lost revenue resulting from an alleged breach of contract related to medical billing practices.
- Evaluated lost profits damages related to an alleged breach of contract for concession services at amusement parks

Employment and Labor

- Evaluated economic damages related to alleged wage violations in the trucking industry.
- Evaluated economic impact of alleged wrongful termination from city police force.
- Evaluated economic impact of alleged wrongful termination from industrial solutions industry position.
- Evaluated economic impact of alleged breach of contract and wrongful constructive discharge from renewable energy and land lease industry position.
- Evaluated economic impact of alleged wrongful termination from restaurant chain.
- Evaluated common impact and damages related to alleged unpaid wages owed to cellular phone retail store employees due to a flawed commission system.
- Evaluated lost profits and disgorgement of profits damages related to alleged unlawful and unfair solicitation and raiding of employees and theft of trade secrets the virtualization and cloud computing infrastructure solutions industry.
- Evaluated economic impact of alleged wrongful termination from public transportation operating agency.
- Evaluated economic impact of alleged wrongful termination from school district.
- Evaluated cost savings and defendant's profits related to allegations of theft of trade secrets by departing employees in the naval engineering and design industry.

Impact Analysis

- Analyzed the impact of changes in the oil and gas industry on the current and future state of Oklahoma and Texas economies, and the impact of the changes in the state economies on Class II gaming in Oklahoma.
- Analyzed the financial, economic, and fiscal impacts of a proposed multipurpose resort facility in the State of California.
- Performed economic impact study to evaluate and quantify the regional and state economic and fiscal impacts of a proposed multipurpose resort facility in the State of Arizona.
- Analyzed the regional economic and fiscal impacts of a proposed multipurpose resort facility in the State of Washington.
- Performed economic impact study to evaluate and quantify the regional and state economic and fiscal impacts of gaming and business operations located in the State of Oklahoma.

Patents

- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement involving VoIP technology.
- Evaluated reasonable royalty damages involving surgical template systems.

- Evaluated lost profits, price erosion, and reasonable royalty damages related to alleged patent infringement involving online account security/user authentication technology.
- Evaluated reasonable royalty damages related to alleged patent infringement involving video game character animation technology.
- Evaluated reasonable royalty damages related to alleged patent infringement involving wireless telecommunication technology in the context of industry standards and FRAND licensing commitments.
- Evaluated reasonable royalty damages related to alleged patent infringement involving consumer wellness products.
- Evaluated reasonable royalty damages related to alleged patent infringement involving video compression technology in the context of industry standards and FRAND licensing commitments.
- Analyzed lost profits and reasonable royalty damages related to alleged patent infringement involving mobile phone accessories.
- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement involving real-time monitoring and visualization systems used with electric power grids.
- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement involving child car seats, strollers, and travel systems.
- Evaluated reasonable royalty damages related to alleged patent infringement involving balloon catheters.
- Analyzed reasonable royalty damages related to alleged patent infringement involving navigation applications used in mobile devices.
- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement and unfair competition involving padded protective athletic apparel.
- Evaluated reasonable royalty damages related to alleged patent infringement involving accused module location technology in Microsoft's .NET Framework.
- Researched and analyzed reasonable royalty rates for patent license agreements covering 802.11 technologies.
- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement involving artificial disc implants.
- Evaluated reasonable royalty damages related to alleged patent infringement involving elevator technology.
- Evaluated damages related to allegations of patent infringement, unfair competition, and Lanham Act violations involving bone plate implants, screws and instruments.
- Evaluated reasonable royalty damages related to alleged patent infringement involving light emitting diode semiconductor technology.
- Evaluated reasonable royalty damages related to alleged patent infringement involving electronic sourcing and procurement business software.
- Evaluated reasonable royalty damages related to alleged patent infringement involving wireless technology.
- Evaluated a reasonable royalty related to alleged patent infringement involving wireless technology in the context of industry standards and FRAND licensing commitments.

- Evaluated damages associated with claims of patent infringement regarding modem technologies.
- Evaluated lost profits and reasonable royalty damages related to alleged patent infringement involving artificial vertebral disc implants.
- Evaluated reasonable royalty damages in connection with allegations of patent infringement related to a component of a tortilla production line.
- Evaluated relevant markets and market power, and evaluated licensing structure as part of affirmative defenses for patent misuse for tying and double royalties, all related to the manufacture of flash memory devices.
- Evaluated reasonable royalty and unjust enrichment damages in connection with allegations of design patent infringement related to branded athletic hats.
- Evaluated lost profits, reasonable royalty, unjust enrichment, and corrective advertising damages related to allegations of patent infringement, trademark infringement, trade dress infringement, false advertising, and unfair competition related to massage furniture and products.
- Evaluated market value of technology and unjust enrichment damages related to an inventorship dispute regarding spinal implant systems.

Trademarks, Trade dress, Trade secrets, Copyrights

- Evaluated damages related to alleged use of a fraudulently registered trademark involving credit unions.
- Analyzed damages related to alleged trademark infringement and false advertising involving hamburger chain restaurants.
- Evaluated lost profits damages related to alleged breach of joint venture and non-disclosure agreements, and misappropriation of trade secrets involving mobile device application technology.
- Analyzed damages related to alleged Lanham Act violations and tortious interference involving homeopathic over-the-counter ear and eye care products.
- Analyzed damages related to alleged false advertising involving rehab services.
- Analyzed damages related to alleged Lanham Act violations involving makerspaces.
- Analyzed defendants' profits damages related to alleged trade dress infringement and unfair competition involving aftermarket automotive products.
- Evaluated defendants' profits damages related to alleged trademark infringement, unfair competition, false advertising, trade dress infringement, and trade secrets misappropriation involving non-lethal weapons projectiles.
- Analyzed damages related to alleged Lanham Act violations and unfair competition involving home security, monitoring, and automation systems and services.
- Analyzed defendant's profits and lost profits damages related to alleged trademark infringement, false designation of origin, unfair competition, and cybersquatting involving edible fruit arrangements and gifts.
- Analyzed defendants' profits and lost profits damages related to alleged trademark infringement, trademark counterfeiting, false designation of origin, trade dress

infringement, unfair competition, and copyright infringement involving mobile phone accessories.

- Analyzed defendants' profits and lost profits damages related to alleged trademark infringement, trademark counterfeiting, false designation of origin, unfair competition, and copyright infringement involving fashion jewelry.
- Analyzed defendants' profits damages related to alleged trademark infringement, false designation of origin, and unfair competition involving marketing and business development publishing and training services.
- Evaluated lost profits and disgorgement of profits damages related to alleged theft of trade secrets associated with unlawful and unfair solicitation of employees in the virtualization and cloud computing infrastructure solutions industry.
- Evaluated damages related to alleged trademark infringement and unfair competition involving retail automotive tires and wheels.
- Evaluated damages related to allegations of patent infringement, unfair competition, and Lanham Act violations involving bone plate implants, screws and instruments.
- Evaluated damages related to copyright infringement involving music composition.
- Evaluated damages associated with claims of trademark and trade dress infringement related to advertising and marketing services through mobile wireless communications.
- Evaluated lost profits, reasonable royalty, unjust enrichment, and corrective advertising damages related to allegations of patent infringement, trademark infringement, trade dress infringement, false advertising, and unfair competition related to massage furniture and products.
- Evaluated lost royalty revenue and unjust enrichment related to allegations of trademark infringement involving children's clothing.
- Evaluated cost savings and unjust enrichment damages in connection with allegations of misappropriation of trade secrets related to electronic engineering and design packages used in US naval craft architecture.

PUBLICATIONS & PRESENTATIONS

"Expert Evidence in IP Litigation: What You Must Know and Do in the 2019 Landscape," The Knowledge Group Webcast, January 10, 2019.

"Economic Considerations for Automotive Product Liability Matters," Bowman and Brooke LLP CLE Series, October 2018.

"FRAND Commitments and Royalties for Standard Essential Patents," with S. Bosworth and R. Mangum. In A. Bharadwaj, et al. (Eds.), *Complications and Quandaries in the ICT Sector: Standard Essential Patents and Competition Issues*, 2017.

"Corrective Advertising in Lanham Act Damages: The Use and Misuse of Past Advertising Expenditures," with S. Bosworth and R. Mangum. *The Trademark Reporter*, May-June 2017.

"Patent Uncertainty and Firm Behavior," 2008, manuscript.

"Patents as Real Options: An Empirical Analysis," 2008, manuscript.

PROFESSIONAL MEMBERSHIPS

American Bar Association

American Economic Association

Licensing Executive Society

Los Angeles Intellectual Property Law Association

Orange County Intellectual Property Law Association

HONORS & AWARDS

Distinguished Research Fellowship, Department of Economics, UCSB, 2007

Research Grant, Department of Economics, UCSB, 2007

Graduate Fee Fellowship, Department of Economics, UCSB, 2005

Outstanding Teaching Assistant Award, Department of Economics, UCSB, 2004

National Scholars Honor Society Award of Achievement, 2004-2007

TESTIMONY & REPORTS

M.A. Mobile Ltd. V. Indian Institute of Technology Kharagpur, United States District Court, Northern District of California (2019). Submitted expert report on damages on behalf of Defendant.

ADT LLC v. Security Networks, LLC, and Vision Security, LLC, United States District Court, Southern District of Florida (2019). Provided deposition testimony and submitted expert report on damages on behalf of Plaintiff.

ADT LLC and ADT US Holdings, Inc. v. Northstar Alarm Services LLC, and Vision Security, LLC, United States District Court, Southern District of Florida (2019). Provided deposition testimony and submitted expert report on damages on behalf of Plaintiffs.

Adriana Guzman, et al. v. Chipotle Mexican Grill, Inc., et al., United States District Court, Northern District of California (2019). Provided deposition testimony and submitted expert report on damages on behalf of Defendants.

TechShop, Inc. v. Dan Rasure, et al., United States District Court, Northern District of California (2018-2019). Provided trial testimony, deposition testimony, and submitted expert reports on damages on behalf of Plaintiff.

Juan Pablo Aldana Lira v. Chipotle Mexican Grill, Inc., et al., United States District Court, Northern District of California (2018). Provided deposition testimony and submitted expert report on damages on behalf of Defendants.

Advanced Flow Engineering, Inc. v. Injen Technology Company, Ltd., et al., United States District Court, Central District of California (2017). Submitted expert report on damages on behalf of Plaintiff.

United Tactical Systems, LLC v. Real Action Paintball, Inc., et al., United States District Court, Northern District of California (2017). Submitted expert reports on behalf of Plaintiff and Counter-Defendant.

Edward L. Blendermann v. LifeWave, Inc., United States District Court, Southern District of Florida (2017). Submitted expert report on damages on behalf of Defendant.

Paul B. Butler v. Porsche Cars North America, Inc., United States District Court, Northern District of California, San Jose Division (2017). Submitted expert report in support of motion for class certification.

Mitsubishi Electronic Corp., et al. v. Sceptre, Inc., United States District Court, Central District of California (2015). Provided deposition testimony and submitted expert report on damages and FRAND royalties on behalf of Defendant.

Yunxia Wang, Fengqin Xu, and Qun Xu, et al. v. EFT Holdings, Inc., and Jack J. Qin, et al., United States District Court, Central District of California (2015). Provided deposition testimony and submitted a declaration in support of motion for class certification.

Bar's Products, Inc. v. Bar's Products International, LTD., et al., United States District Court, Eastern District of Michigan (2012-2014). Provided trial testimony, deposition testimony, and submitted expert report on damages on behalf of Counterclaimant.

Synthes USA, LLC et al v. Diverse Surgical Supplies, Inc., et al, United States District Court, District of Arizona (2010 - 2012). Provided deposition testimony and submitted expert reports on damages on behalf of Plaintiff.

Synthes USA, LLC et al v. Syntec Scientific (USA) Corporation, Whittemore Enterprises, Inc., et al, United States District Court, Central District of California, Western Division (2011). Submitted expert report on damages on behalf of Plaintiff.