

Christopher Spadea, CLP

Managing Director



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Professional Summary

Chris Spadea is a Managing Director in Navigant's Intellectual Property Group, based in New York.

Chris has over 20 years of experience determining damages related to the impact of business events in the contexts of intellectual property, breach of contract, fraud, bankruptcy, and securities manipulation across a wide range of industries. In that regard, Chris has provided expert witness services on hundreds of matters in his 20+ years as an economic professional. In addition, Chris has significant "real world" experience as a former portfolio manager of the largest privately owned patent holder in the world. In that regard, Chris managed portfolios with \$100s millions in invested capital, created monetization programs across a wide range of industries, simultaneously lead new investments in patents and worked to sell portfolios with \$100s millions in transaction value. This real-world experience with a large patent owner coupled with decades of expert consulting experience allows Chris to bring real world economics and experience into his damages work and bring realistic valuation techniques backed by case law into his transaction and strategy assignments.

Areas of Expertise

- **Disputes:** Represent clients in high-stakes disputes.
- **IP Business Consulting:** Provide strategic and operational guidance on a range of IP business issues for entrepreneurs, investors, and corporations.
- **IP Advisory Services:** Represent clients in IP asset sales, IP licensing, and IP financing transactions.

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Professional Experience

Disputes:

Mr. Spadea has been sought to provide expert assistance in understanding the appropriate economic measure of damages in many contexts including:

- Breach of Contract – lost profits, irreparable harm
- Fraud – lost profits, economic causation, forensic analysis
- Bankruptcy – economic causation, asset valuation
- Patent infringement – lost profits, reasonable royalties, irreparable harm, commercial success
- Trademark infringement – lost profits and royalties
- Copyright infringement – lost profits, statutory damages, royalties
- Misappropriation of trade secrets – lost profits and unjust enrichment

In this regard, Mr. Spadea has performed analyses and given testimony related to the various components of lost profit and reasonable royalty (in IP matters) including but not limited to: the competitive landscape, market share analysis, availability of substitutes, infringing sales and revenues, lost sales and revenues incremental costs, capacity and regulatory impacts, customer behaviour, ability to pay, but-for market recreation.

Example industries include:

- Aerospace
- Agriculture
- Alcohol
- Apparel
- Appliances
- Automotive
- Battery
- Beverage
- Bicycle
- Bottling
- Call center
- Chemicals
- Computer memory
- Digital imaging
- eProcurement
- Financial services
- Gaming
- Internet software / services
- Lighting
- Medical devices
- Mobile handsets
- WAN/LAN networking
- Paper manufacturing
- Pharmaceutical / Biotech
- Prepress software
- Semiconductors
- Securities
- Storage
- Telecommunications
- Trucking

IP Business Consulting:

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Mr. Spadea has advised a wide range of IP owners from Fortune 100 companies to small businesses and single inventors on strategies to development, maintain and monetize their existing and future IP. Mr. Spadea was also a member of senior management at the largest privately held patent owner in the world and created strategic plans and initiatives to build, manage and monetize over 40,000 patents across dozens of industries.

In this regard, Mr. Spadea has advised and led teams focused on many industries including, but not limited to:

- Aerospace
- Agriculture
- Automotive
- Banking
- Computer memory
- Computer networking
- Consumer electronics
- Construction
- Database / Analytics
- eCommerce
- GPUs
- Healthcare
- Health insurance
- P&C insurance
- Lighting
- Logistics
- Medical devices
- Mobile devices
- Online travel
- Pharmaceutical / Biotech
- Professional sports
- Retail
- RFID
- Security
- Servers
- Storage
- Telecommunications
- Trading
- Video compression
- White goods

IP Advisory Services:

Mr. Spadea has significant experience both advising companies and as a senior level company employee in the negotiation of IP transactions. In this regard, Mr. Spadea has been “at the table” with the counterparty’s decision makers on hundreds of IP transactions. These transactions have crossed several dozen industries and included sale, licensing, acquisition, M&A and fund-raising activities. Example industries include:

- Aerospace
- Agriculture
- Automotive
- Banking
- Computer memory
- Computer networking
- Consumer electronics
- Database / Analytics
- eCommerce
- GPUs
- Insurance
- Lighting
- Medical devices
- Mobile devices
- Online travel
- Pharmaceuticals / Biotech

Work History

Managing Director – Navigant Consulting, Inc.	2017 - Present
Senior Director – Intellectual Ventures	2011 – 2017
CEO – Extract Value, LLC	2011 – 2017

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Vice President, Charles River Associates, Inc.	2004 – 2011
Vice President, InteCap, Inc.	1998 – 2004
Executive Consultant, Peterson Worldwide	1994 – 1998
International Trade Services Analyst, JP Morgan	1993 – 1994

Presentations and Publications

- Kristopher A. Boushie, Christopher H. Spadea, and Martin F. Cunniff, eds., “Calculating and Proving Damages.” New York: Law Journal Press, 2011-2016. www.lawjournalpress.com.
- “Patent Infringement Damages.” Panel discussion at CIP Forum, Gothenburg, Sweden, May 2007
- “Effective Decision Making for Managing and Licensing IP.” AIPLA Mid-Winter Meeting, January 29, 2004
- “To maximize IP value a company needs the right culture.” Intellectual Asset Management, January 2004
- “A Business Valuation is a Powerhouse of Strategic Information—A look into a valuation report pointing out key pertinent insights to the company (strengths, weaknesses, opportunities, threats).” National Associate of Certified Valuation Analysts meeting, November 2003
- “Happy Birthday Daubert.” Presentation to Cantor Colburn LLP Intellectual Property Education Seminar, September 2003
- “Business Valuation Approaches in Intellectual Property.” Philadelphia Business Journal, September 2001

Education

Bachelor of Science in Business Administration,
Finance

University of Delaware

Testimony

2017 - AstraZeneca LP & AstraZeneca AB vs. Apotex, Inc. and Apotex Corp. (U.S. District Court, District of New Jersey)

Damages arising from an injunction set during an ANDA trial which defendants won.

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2015 - Otsuka Pharmaceutical Co., LTD. v. Apotex Corp et al (U.S. District Court, District of New Jersey)

Analysis as to irreparable harm regarding Otsuka's request for a Temporary Restraining Order.

2012 - AstraZeneca LP & AstraZeneca AB vs. Apotex, Inc. and Apotex Corp. (U.S. District Court, District of New Jersey)

Analysis as to commercial success related to alleged patent infringement in the pharmaceuticals industry.

2011 - Karl Storz Endoscopy-America, Inc. vs. Stryker Corporation, et al. (U.S. District Court for the Northern District of California)

Damages arising from alleged patent infringement in the operating room technology industry.

2010 - Automated Transactions LLC. vs. IYG Holding Co., 7-Eleven, Inc., Vcom Financial Services, Inc., and Cardtronics, Inc. (U.S. District Court of Delaware)

Analysis as to commercial success related to alleged patent infringement in the automated teller machine industry.

2010 - Gertrude Neumark Rothschild vs. Cree Incorporated (U.S. District Court, Southern District, of New York)

Analysis as to commercial success related to alleged patent infringement in the Light Emitting Diode industry.

2010 - Ronald A. Katz Technology Licensing, L.P. v. GEICO Corporation, et al. (U.S. District Court of California)

Damages arising from alleged patent infringement in the automated call center technology industry.

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2010 - Cisco Systems, Inc. v. Teles AG (U.S. District Court of Delaware)

Analysis as to commercial success related to alleged patent infringement in the voice over internet protocol industry.

2010 - Ronald A. Katz Technology Licensing, L.P. v. Sirius-XM Radio, Inc. (U.S. District Court of California)

Damages arising from alleged patent infringement in the automated call center technology industry.

2009 - Wilco AG vs. Packaging Technology & Inspections (U.S. District Court of Delaware)

Damages arising from alleged patent infringement in the leak testing equipment industry.

2009 - AstraZeneca & AstraZeneca AB v. Apotex, Inc. & Apotex Corp. (U.S. District Court, New Jersey) –

Analysis as to irreparable harm arising from alleged patent infringement in the pharmaceuticals industry.

2009 - Mettler-Toledo, Inc. v. B-TEK Scales, LLC (U.S. District Court, Eastern District of Texas, C.A. No. 9:06CV97)

Damages arising from alleged harm related to patent infringement in the truck scales industry.

2009 - Ronald A. Katz Technology Licensing, L.P. v. EchoStar Satellite et al. (U.S. District Court of California)

Damages arising from alleged patent infringement in the automated call center technology industry.

2008 Board of Regents of the University of Nebraska v. BASF Corporation (U.S. District Court of Nebraska C.A. No. 4:04CV3356)

Damages arising from alleged failure to prosecute patents and breach of contract in the genetic modified seed industry.

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2008 Dekalb Genetics Corporation v. Syngenta Seeds, Inc. et al. (U.S. District Court, Eastern District of Missouri)

Damages arising from alleged patent infringement in the genetic modified seed industry.

2006 Beverage Marketing USA, Inc. and Hornell Brewing Co., Inc. v. South Beach Beverage Company, Inc. (Supreme Court, State of New York, Nassau County)

Damages arising from alleged theft of trade secrets and breach of employment agreement in the beverage industry.

2006 Four Season Software, LLC v. ICICI Infotech, Inc. (AAA Arbitration No. 12 117 00039 05)

Damages arising from alleged loss of business value resulting from breach of contract and misappropriation of intellectual property assets in the software industry.

2005 Honeywell, Inc. v. Sunoco, Inc. (AAA Arbitration No. 131 181 Y 025588 04)

Damages arising from alleged breach of contract in the chemicals industry.

2005 Monsanto Company et al. v. Syngenta Seeds, Inc. et al. (U.S. District Court, Delaware)

Damages arising from alleged patent infringement in the genetic modified seed industry.

2004 Rise Above LLC v. Arista Records and Outkast (Mediation under the U.S. District Court, So. District, NY)

Damages arising from alleged breach of contract and trademark infringement in the apparel and music industries.

2004 Trustee for eSynergies, Inc/Xceed v. Mazda USA, Inc. (U.S. Bankruptcy Court, California)

Damages arising from alleged fraudulent conveyance in the software development and services industry.

2004 Luma Corporation v. Stryker Corporation and Karl Storz Endoscopy-America, Inc. (West Virginia District Court)

Damages arising from alleged patent infringement in the endoscopy automation market.

2004 Mindee Tamber Green and Robert Barry Green v. Marc Brucker and Nutratch, Inc. (New Jersey State Court)

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Damages and business valuation related to alleged minority shareholder suppression in the nutritional supplement market.

2002 Cable & Wireless USA, Inc. v. MCI WorldCom Network Services, Inc. (J.A.M.S. Arbitration, No. 1410003135), 2002.

Damages arising from alleged breach of contract in the telecommunications industry.

2002 Compuclaz Corporation et al. v. Public Technologies Multimedia Inc. et al. (U.S. District Court, District of CT), 2002.

Damages arising from alleged patent infringement in the retail apparel industry.

2002 National Distiller Products Co., LLC v. Refreshment Brands Inc. et al. (U.S. District Court, So. District, NY), 2002.

Damages arising from alleged trademark infringement related to retail alcohol sales.

2001 Jack Schwartz Shoes, Inc. v. Skechers USA, Inc (U.S. District Court, So. District, NY), 2001.

Damages arising from alleged patent and trade dress infringement related to retail shoe sales.