



FIVE CORNERS GROUP

Five Corners Consulting Group, LLC
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CURRICULUM VITAE

Scott Spertzel, CPA, CFE

Mr. Spertzel is a Principal at Five Corners Group. Scott has over 20 years of experience providing financial consulting, accounting analyses and investigations related to business operations, license strategy, and financial damages for legal proceedings, including litigation in state and federal courts, arbitration and mediation. He has been retained as a damages expert in accounting fraud and investigations, wage and hour employment cases and trademark infringement matters, and has testified in both Federal and State Court.

Scott has extensive experience performing damage analyses in intellectual property lawsuits including patent infringement, misappropriation of trade secrets, copyright and trademark infringement. Scott also has wide-ranging practice experience evaluating damages relating to commercial disputes such as licensing disputes, labor disputes, breach of contract, business interruption claims, accounting and fraud investigations and employment and wage and hour disputes. The litigation matters Scott has handled have spanned across industries, including computer software and hardware, semiconductors, e-commerce, telecommunications, notebook computer physical security, consumer products, biotechnology, healthcare products and services, pharmaceuticals, and manufacturing.

In addition to working on over 100 litigation matters, Scott has also provided financial analysis and consulting services on intellectual property matters for public and private companies on areas including licensing policies, licensing negotiations, royalty payments, settlement discussions, revenue allocation and risk assessment of intellectual property litigation.

Scott is a Certified Public Accountant, licensed in the State of California and Maryland and a Certified Fraud Examiner. Prior to joining Five Corners Group, he founded Spertzel Consulting LLC, a litigation consulting firm, and worked in the litigation consulting practices of public and private consulting firms. Scott began his career as an auditor at a "Big Six" accounting firm. He is currently an Adjunct Professor in Golden Gate University's Forensic Accounting Program and has taught classes and courses, including "*Intellectual Property*" and "*Mitigation of Damages, Present Value and Discounting*". Scott has also taught "*Financial Statement Analysis*" as a guest lecturer at Stanford University in its Construction Engineering and Management Program.

Selected Experience

Intellectual Property Consulting

- Assisted with the creation of a risk model to assess the potential exposure of patent litigation for new product launches for a Fortune 500 company.



- Worked on the development of an outbound licensing policy for the intellectual property owned by a wireless charging company.
- Assisted in the negotiations of settlement agreements, revenue sharing agreements and licensing agreements for a Fortune 500 company.

Intellectual Property Litigation

- Analyzed potential running royalty damages in a patent infringement matter for the plaintiff in a case involving technology used in eReaders and Tablets.
- Assisted the testifying expert in determining running royalties for multiple defendants in a patent infringement matter related to wireless (WiFi) technology.
- Assisted the testifying expert in determining potential running royalty damages in a patent infringement matter for the plaintiff in a case involving Ethernet technology.
- Analyzed potential running royalty damages in a patent infringement matter for the plaintiff in a case involving user interface technology used in smartphones.
- Assisted the testifying expert in determining running royalty damages in a patent infringement matter for the plaintiff in a case involving microphones used in smartphones.
- Assisted the testifying expert in determining running royalties in a patent infringement matter related to forensic DNA profiling.
- Analyzed potential for lost profits and reasonable royalties for a plaintiff against multiple defendants in a case involving the creation of Blu-ray, DVD and Video CDs.
- Retained as an expert in a trademark infringement matter in Federal district court.
- Analyzed potential for lost profits and reasonable royalties for multiple defendants in a case involving diamond tipped cutters for drill bits.
- Analyzed lost profit, price erosion and reasonable royalty damages for a plaintiff in a biotechnology matter involving the use of vectors in delivery of genomic information.
- Prepared expert report for the plaintiff in a patent infringement matter involving a reasonable royalty calculation for the delivery method of select branded and generic drugs.
- Assisted the testifying expert in understanding the technology for the preparation of an expert report calculating reasonable royalty damages in a patent infringement matter related to DNA sequencing technology.
- Responsible for preparation of an expert report regarding internet security and efficiency for the defendant in a lost profit and reasonable royalty claim alleging patent infringement.
- Assisted in determine the appropriate reasonable royalty for the plaintiff in a patent infringement matter regarding global positioning systems for use in automobiles.
- Responsible for the preparation of an expert report for a defendant in a trade secrets case regarding customer lists for a company selling internet security software.



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- Responsible for the preparation of an expert report related to audio codec technology for a defendant in a patent infringement matter involving a reasonable royalty claim.
- Responsible for the preparation of an expert report related to video codec technology for a defendant in a patent infringement matter involving a reasonable royalty claim.
- Assisted with the preparation of an expert report related to speech codec technology for a defendant in a patent infringement matter involving a reasonable royalty claim.
- Responsible for the preparation of expert reports and assisted with another expert report related to user interface for personal computer and handheld devices for a defendant in a patent infringement matter involving a reasonable royalty claim.
- Responsible for the preparation of an expert report for a plaintiff in a patent infringement matter involving lost profit and reasonable royalty claims for hard disk drives.
- Responsible for preparation of an expert report and assisted with another expert report for a defendant involving product authentication technology with claimed damages in the form of reasonable royalties.
- Analyzed claims regarding reasonable royalty claims for a patent infringement matter working for the defendant regarding electronic transaction security system in the credit card industry.
- Lead a team retained by plaintiff counsel for a major manufacturer of “pure silicon” used in the manufacturing of semiconductors in a patent infringement matter.
- Assisted plaintiff counsel for a popular supplier of notebook security devices in numerous patent infringement matters.
- Assisted the defendant in a claim of trade secret infringement regarding internet project management.
- Calculated reasonable royalties for a defendant in a patent infringement matter regarding educational toys.
- Responsible for team calculating reasonable royalties and breach of contract claims for the plaintiff, an individual inventor, regarding patent infringement and breach of contract matter for technology used during spinal surgery.
- Assisted plaintiff counsel in a patent infringement matter regarding disk partitioning technology.
- Responsible for determination of damages in arbitration in an alleged copyright infringement matter for an author pertaining to edited works representing the defendant. The matter also included a counter-claim for breach of contract, alter ego and royalty rate dispute. The defendant’s royalty calculation and alter ego claim were completely adopted as presented to the arbitrator.
- Assisted a team in the determination of damages for the defendant in a trade secrets and unfair business practice claim.
- Lead a team retained by defense counsel for a leading technology provider in a patent infringement suit. The technology at issue related to enhancing the speed of electronic data transmission via routers and switches.



- Assisted plaintiff counsel of a large multinational technology and entertainment corporation on a matter that involved the alleged misappropriation of intellectual property related to video game consoles and emulation software.

Financial Damages and Accounting Analyses

- Testified at a California hearing regarding an individual's assets, liabilities, financial condition and sources of income.
- Retained as an expert to analyze the financial condition and sources of income of an individual regarding allegations of fraud.
- Retained as an expert in wage and hour claim matters related to potential underpayment of salaries and overtime pay in the healthcare industry.
- Testified in Federal court regarding an individual's assets, liabilities, financial condition and sources of income.
- Testified in State court regarding changes in a not-for-profit's ownership interest in a related business over a thirty year time period.
- Retained as an expert in wage and hour claim matters related to potential underpayment of salaries and overtime pay in the mortgage loan industry.
- Analyzed information to determine if options had been appropriately dated consistent with accounting rules and guidance for a publicly owned high technology software manufacturer.
- Responsible for team and preparation of expert report analyzing an international company under investigation by the Department of Justice ("DOJ") regarding FCPA allegations. As a result of the issuance of our report to the DOJ, the investigation into the company was dropped.
- Responsible for numerous royalty audits in the aerospace industry ensuring compliance with the terms of the agreements. As a result of these investigations and my reports, the licensor sought and collected additional royalties from its licensees.
- Analyzed the work done by a "Big Four" audit firm who was a defendant in a class action suit for an alleged audit failure related to the accounting firms work on revenue recognition.
- Represented the defendant in a breach of contract matter regarding microprocessors used in communication equipment.
- Represented the plaintiff in a breach of contract matter regarding desktop hard disk drive market regarding alleging manufacturing defects.
- Represented the plaintiff in a contractual interference matter for sales to a large wholesaler.
- Assisted with the completion of an internal investigation regarding accounting adjustments of a large publicly owned company.
- Responsible for a contract audit for a licensee to ensure licensor's compliance with the "favored nations" clause.



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- Responsible for an internal investigation regarding financial statements presented to the Board of Directors by the Chief Financial Officer of a company providing Short Message Systems technology for mobile phones.
- Assisted with the completion of an internal investigation regarding calculation of automobile loan reserves.
- Responsible for calculation of damages to individuals in a class action suit alleging labor law violations, Law of Nations claims and RICO claims.
- Worked on numerous insurance claims, including business interruption, surety insurance claims and bankruptcy claims for the insurer.
- Responsible for the determination of damages for the plaintiff in a breach of contract matter regarding business to business application service providers.
- Responsible for the calculation of lost profits and other contractual damages for the plaintiff in a breach of contract matter related to the sale of semiconductors used in CD-ROM controllers.
- Lead team responsible for calculation of lost revenue and contractual expense reimbursement for a defendant specializing in non-profit fund raising.
- Consulted for the respondent in an arbitration matter regarding the sale of a rural hospital with allegations of breach of contract and professional care disputes that affected the ultimate purchase price of the hospital.
- Assisted with the determination of damages for false advertisement and business valuation for companies competing as providers of spring water.

Financial Assurance

- Corporate audit of an international cargo transportation company with several billion in revenue per year. Coordinating multiple audit sites, both nationally and internationally, to ensure audit risks were controlled and mitigated.
- Responsible for the audit of numerous high technology and biotechnology companies that had already gone public or were preparing to go public during the years audited.
- Assisted with the audit and clean-up of a large publicly-owned multi-national company with financial reporting problems including, review of revenue recognition, tracking of assets, recognition of liabilities and internal reporting from subsidiaries to the parent company.
- Performed the audit of a United States subsidiary of a publicly owned manufacturing client in Denmark. Issued financial statements in accordance with Generally Accepted Accounting Principles in the United States and provided financial statements in accordance with accounting principles generally accepted in Denmark to the parent company.
- Audited multiple state and non-profit agencies, including lottery agencies, university, cancer research and awareness and hospitals.



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Publications

- “*Valuing IP and Other Intangible Assets in Sales Transactions*”, San Francisco and Los Angeles Daily Journal April 9, 2008
- Written Findings of Fact as requested – Assessment Appeals Board

Expert Opinion and Testimony Experience

- George Souliotes v. California Victim Compensation and Government Claims Board (California Victim Compensation and Government Claims Board) – Hearing Testimony
- State of California v Michael Gamboa et.al. (Superior Court of the State of California) – Expert Opinion
- George A. Souliotes v. Anthony Hedgpeth (United States District Court Eastern District of California) – Habeas Corpus Hearing Testimony and Expert Opinion
- Sigma Aldrich, Inc. et al. v. Open Biosystems, Inc. (United States District Court Eastern District of Missouri Eastern Division) – Expert Opinion
- Haight Ashbury Free Clinics, Inc. v. Happening House Ventures, et al. (Superior Court of the State of California) – Trial Testimony
- Cervantes Design Associates v. City of San Francisco (Superior Court of the State of California) – Expert Opinion

Presentations

- “*Intellectual Property*”, Adjunct Professor and Guest Lecturer, Golden Gate University Spring 2015, Fall 2013 and Spring 2011
- “*Mitigation of Damages, Present Value and Discounting*”, Guest Lecturer, Golden Gate University Fall 2010
- “*Financial Statement Analysis*”, Guest Lecturer, Stanford University Construction Engineering and Management Program, Fall Semester 2001, 2002 and 2003
- “*Healthcare Accounts Receivable Collections*”, mediation to Gregorio, Haldeman & Piazza, San Francisco, California, April 2002



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Professional Experience

Five Corners Group <i>Principal</i>	2012 – Present
Golden Gate University Adjunct Professor/Guest Lecturer	2010 – Present
Assessment Appeals Board City and County of San Francisco <i>Board Member</i>	2009 – Present
Spertzel Consulting LLC <i>Principal</i>	2008 – 2012
FTI Consulting, Inc. <i>Director</i>	2004 – 2008
Tucker Alan Inc. <i>Manager</i>	2000 – 2004
Arthur Andersen <i>Senior Auditor</i>	1996 – 2000

Certifications

Certified Public Accountant (CPA), State of California and Maryland
Certified Fraud Examiner (CFE)

Professional Affiliations

Member, American Institute of Certified Public Accountants
Member, Association of Certified Fraud Examiners

Education

University of Baltimore
B.S. Business Administration, Emphasis in Accounting