

# INTELLECTUAL PROPERTY

Economic rewards will flow to those organizations with strong intellectual property potential—but only if they manage their IP well through a disciplined process of creating and acquiring, managing and protecting, and effectively extracting value from their intellectual assets. While successful management of an organization's intellectual property is critically important to its success, it is a process inherently difficult to do well. FTI Consulting has created and shaped its multi-faceted global intellectual property practice with the express purpose of helping organizations deal with the inherent and emerging complexities of successful intellectual property management.

## SERVICE HIGHLIGHTS

- A comprehensive approach to IP management with IP services throughout the entire IP life cycle including:
  - IP Early Case Assessment and Risk Analysis;
  - IP Litigation Damages Analysis and Expert Testimony;
  - Valuation;
  - Royalty Compliance;
  - Technology and Intellectual Asset Management;
  - Intellectual Property and Brand Protection; and
  - Brand Development and Market and Consumer Demand Analyses.
- Global operations and capabilities
- Credentialed and experienced professionals with degrees in accounting, finance, engineering and economics
- Experienced team of testifiers nationwide with broad industry experience

## THE GROWING IMPORTANCE OF SUCCESSFUL INTELLECTUAL PROPERTY MANAGEMENT

We are surrounded by proof that intellectual property is critically important to most businesses. For instance, according to a Federal Reserve Board study, United States businesses today invest as much in intellectual property and other intangible assets, about \$1 trillion, as they do in equipment, factories and other physical investments. Consider also that 70-80% of market capitalization of the S&P 500 is made up of intangible assets and that intellectual capital is paramount to companies in emerging markets worldwide. These considerations, compounded with the growing number of intellectual property infringement awards and settlements in excess of \$500 million, the \$200 billion dollars flowing to companies annually in the form of licensing revenues, and the estimated trillions of dollars in value of unexploited patented technology, leave little doubt regarding the ever growing importance of a successful intellectual property management program.

## FTI CONSULTING CAN HELP

The Intellectual Property group at FTI Consulting consists of a prestigious, multi-disciplinary team of highly trained professionals distributed globally that can provide an unmatched breadth of in-depth consulting and expert witness assistance to corporations and their counsel across the entire intellectual property lifecycle. FTI Consulting has broad expertise relating to patent, trademark, trade secret, copyright and other forms of intellectual property issues such as:

- Dispute Resolution (including damage assessments and financial analyses)
- Valuations
- Technology and Intellectual Property Management services
- Royalty Compliance
- Intellectual Property and Brand Protection
- Brand Development and Market and Consumer Demand Analyses

With offices worldwide, we have one of the largest and most integrated team of professionals that stand ready to work with members of your organization and its counsel worldwide to effectively deal with intellectual property management challenges inside or outside of your organization, and help respond to the myriad challenges of successful intellectual property management. Below are brief descriptions of some of the areas where the FTI Consulting IP group has special expertise:

### IP Dispute Resolution

We have a widely recognized presence in consulting on all types and phases of intellectual property disputes including patent, trademark and copyright infringement, trade secret misappropriation, unfair competition and claims of false advertising. We assist clients in assessing and minimizing risk and damage exposure before disputes arise, and, should litigation involving the alleged infringement or misappropriation arise, we assist by evaluating lost profits and reasonable royalty damages. We do this by offering a critical challenge to the opposing party's damages claims and providing litigation support and expert testimony when needed. Other activities include assistance with early case assessment and risk analysis, discovery requests and responses, help in the formulation of deposition questions and strategies, and preparation of expert affidavits and reports.

**THE FTI CONSULTING IP GROUP  
HAS BROAD EXPERIENCE IN THE  
FOLLOWING INDUSTRIES:**

- Aerospace and avionics
- Automotive
- Chemicals
- Computer hardware
- Computer software
- Construction
- Consumer products
- Electronics
- Energy, oil and gas
- Entertainment and media
- Chemicals
- Financial services
- Internet
- Life sciences/biotechnology
- Retail
- Semiconductors
- Telecommunications

### **Intangible Asset Valuation**

Our valuation specialists help determine the value of your intellectual property so you can manage them appropriately. Our extensive experience includes the valuation of proprietary technology, technical know-how, product designs, in process technology/ R&D, patents, trademarks, trade secrets, and copyrights. We have provided estimates of fair market value and appropriate arm's length royalty rates for clients worldwide for corporate transactions, licensing, strategic tax planning, financial statement presentation, financing and litigation. Our proprietary royalty rate database and various online databases support our efforts.

### **Technology and Intellectual Property Management (TIPM)**

Our TIPM group helps companies maximize the tangible benefits from their intangible assets using a focused, systematic and directed search for value. Our TIPM professionals bring a wealth of experience and resources to the following services:

- Purchase/sale or licensing due diligence
- Commercialization
- In-Licensing, out-licensing and open innovation
- Licensing negotiation assistance
- Infringement reviews
- Technology competitive intelligence
- IP management strategy
- IP management best practices and metrics

### **Royalty Compliance**

The FTI Consulting IP group's specialized royalty compliance consultants assist clients globally by enhancing the relationships with their business partners. Our services include, among others:

- Detecting and assisting in the recovery of hidden revenue streams, unpaid royalties, understated joint venture profits and overstated costs
- Making recommendations to improve licensing and franchising agreements
- Developing royalty investigation rotation programs
- Assisting licensees in minimizing the errors relating to incorrect royalty payments

### **Intellectual Property Investigations and Brand Protection**

FTI Consulting's IP professionals work with clients to deliver a strategic and tactical brand protection program wherever intellectual property piracy occurs, and work with clients to help protect their patents, designs, trademarks, copyright, proprietary data and other intellectual property assets from theft, counterfeiting, piracy and other abuse or loss.

### **Brand Development and Market and Consumer Demand Analysis**

Through its wholly owned subsidiary, FD, FTI Consulting offers clients a brand and marketing team that helps clients assess, develop and strengthen their corporate brand integrity through a variety of communications and marketing channels. With specialists in corporate brand strategy, market analysis and consumer surveys, creative design, interactive marketing, public relations and advertising, FD advises clients on brand evaluation and strategy, as well as conceiving and implementing multi-disciplinary intellectual property marketing campaigns.

In sum, the intellectual property professionals at FTI Consulting apply their broad base of knowledge, skill, experience and creativity to effectively work with clients to better manage and extract value from their intellectual property assets while avoiding or lessening intellectual property related risks.



Critical thinking at the critical time™

#### **About FTI Consulting**

FTI Consulting, Inc. is a global business advisory firm dedicated to helping organizations protect and enhance enterprise value in an increasingly complex legal, regulatory and economic environment. With more than 3,700 employees located in 22 countries, FTI Consulting professionals work closely with clients to anticipate, illuminate and overcome complex business challenges in areas such as investigations, litigation, mergers and acquisitions, regulatory issues, reputation management and restructuring. The company generated \$1.4 billion in revenues during fiscal year 2010. More information can be found at [www.fticonsulting.com](http://www.fticonsulting.com).