

# EXHIBIT A

**CURRICULUM VITAE  
BRUCE L. McFARLANE**

**POSITION** Managing Director / CEO, LitiNomics (January 2007 to Present)

**EDUCATION** B.A., Business Administration, University of Washington (1984)

**PROFESSIONAL AFFILIATIONS (current)** Certified Public Accountant (Oregon, California)  
Certified Management Accountant  
Member, American Institute of Certified Public Accountants  
Member, California Society of CPAs  
Member, Institute of Management Accountants  
Member, IP Society  
Senior Consultant, CRA International

**PROFESSIONAL AFFILIATIONS (past)** Certified Management Consultant  
Member, Oregon Society of Certified Public Accountants Litigation Services Committee  
Member, Washington Society of Certified Public Accountants Litigation Services Committee  
Member, Institute of Management Consultants  
Oregon Society of CPAs Litigation Services Committee (Chair, 1992; Vice Chair, 1991)  
Chair, Oregon Society of CPAs Litigation Services Conference Committee (1991)  
National Institute of Trial Advocacy, Faculty Expert Witness

**RANGE OF EXPERIENCE** Experience includes testimony and consulting services in accounting, financial, economic and business issues related to commercial litigation and intellectual property related transactions.

**PROFESSIONAL AND BUSINESS HISTORY** Independent Consultant February 2004–December 2006  
InteCap, Inc. (Mountain View, California)  
Managing Director, October 1999–February 2004  
PHB Hagler Bailly, Inc. (Portland, Oregon; Palo Alto, California):  
Principal, January 1996–September 1999  
Associate, January 1993–December 1995  
Price Waterhouse (Portland, Oregon):  
Manager, July 1990–December 1992  
Senior Consultant, July 1988–June 1990  
Staff Consultant, November 1987–June 1988  
Arthur Andersen (Portland, Oregon):  
Staff Accountant, June 1986–October 1987  
Peterson Company (San Francisco, CA):  
Staff Consultant, January 1985–May 1986

**PUBLICATIONS** "Intellectual Property/Equipment," Litigation Support Report Writing, 2003 (co-authored with Lilian Quah).  
  
"10 Largest Trade Secrets Damages Awards" InteCap ReCap, Spring 2003  
  
"10 Largest Patent Damages Awards" InteCap ReCap, Fall 2002  
  
"Court Expands Lost Profits Damages From Patent Infringement," CPA Expert, Summer 1996 (co-authored with Michael J. Wagner).

**PUBLICATIONS  
(continued)**

"The Implications of Changes in the Federal Rules of Civil Procedure for CPA—Expert Witnesses," The CPA Management Consultant, Newsletter of the AICPA Management Consultant Division (Spring 1994) (co-authored with Michael J. Wagner).

"The Revised Federal Rules of Civil Procedures That Apply to Expert Witnesses," CPA Litigation Services Counselor, Volume 1994 Issues 2-3. Harcourt Brace (February and March 1994) (co-authored with Michael J. Wagner).

"Opportunities in Litigation Services," Journal of Accountancy (June 1992) (co-authored with Michael J. Wagner).

"The Role of the CPA in Commercial Litigation," The Oregon Certified Public Accountant (September 1991) (co-authored with Michael J. Wagner).

"Using CPAs in Your Law Practice," The Seattle-King County Bar Bulletin (February 1991) (co-authored with Michael J. Wagner).

**SPEECHES**

"Valuation of Intellectual Property For Computer Related Technologies" Computer Law Association, Palo Alto, CA June 4, 2003.

"Damages Strategies for Infringement of Intellectual Property Rights" Computer Law Association, Palo Alto, CA, May 14, 2003; Intellectual Property Society, Los Altos, CA, August 13, 2003.

"Extracting Value from Your IP Litigation" Tomlinson, Zisko, Morosoli\_Maser's "Chautauqua" Series, Palo Alto, CA, September 25, 2002.

"Perspectives on Value Extraction Models for Intellectual Capital Assets: Lessons Learned from the Trenches" The Intellectual Property Society, Santa Clara, CA, August 22, 2002.

"Litigating Trade Secrets" Licensing Executive Society, 2002 Winter Conference, Las Vegas, NV, February 14, 2002.

"Patent Damages 101: From Novice to Expert in Under Two Hours" Santa Clara University Law School, February 8, 2002.

"IP Valuation Issues in Litigation: Hot Topics," San Francisco Intellectual Property Lawyers Association, San Francisco, California, November 14, 2000; Gray Cary Ware Freidenrich, Palo Alto, California, February 1, 2001.

"Case Studies in the Application of Regression Analysis," American Institute of CPAs Advanced Litigation Services Conference, Beverly Hills, California, October 17, 2000.

"Quantifying Damages in Environmental Disaster Litigation," Oregon State Bar Convention, Seaside, Oregon, September 29, 1995

"Issues in Risk Rate Selection Regarding Prejudgment Interest Rates," California Society of CPAs' Litigation Advanced Forum, San Diego, April 28, 1995.

"The Revised Federal Rules of Civil Procedure as They Apply to Expert Witnesses," various law firms in the Pacific Northwest, October 1993–March 1994.

"Common Mistakes Made by Damage Experts," Oregon Trial Lawyers Association Annual Conference, Sun River, Oregon, August 12, 1993.

**SPEECHES  
(continued)**

"Damages Arising From Business and Commercial Claims," Oregon State Bar Continuing Legal Education Seminar, Portland, February 12, 1993.

"Improving Expert Witness Effectiveness," 1992 OSCPA Litigation Services Conference, Portland, September 25, 1992.

"Calculating a Reasonable Royalty," Price Waterhouse 1992 Litigation Managers Group Seminar, New Orleans, July 13-15, 1992.

"Damages Including Loss of Earnings," 1991 OSCPA Litigation Support Services Conference, Portland, September 27, 1991.

"Calculating a Reasonable Royalty," Price Waterhouse 1991 Litigation Managers Group Seminar, Denver, July 18-20, 1991.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
1 Cadence Design Systems, Inc. v. IMI Telecommunications, Inc.	P Alter Ego	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C 00-20430 JF/EAI (2001)	Cooley Godward/Melina Patterson	Analysis of financial factors applicable to doctrine of alter ego.
2 Comdisco, Inc. v. SocialNet, Inc., Match-Net, Inc., et al.	P Alter Ego	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Santa Clara County; Case No. CV 800 611 (2004)	Winston & Strawn	Alter ego analysis.
3 Atlas Electric, et al. v. National Association of Electrical Contractors	D Antitrust	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1993)	Lane Powell Spears Lubersky/Milo Petranovich	Damages analysis.
4 Flying J, Inc. v. Comdata Network, Inc.	D Antitrust	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Utah Northern Division; Civil No. 1:96CV0066K (2000)	Giauque, Crockett, Bendinger & Peterson/Gary Bendinger, John Bogart	Analysis of lost profits damages in the trucker fuel card industry due to Comdata's violations of antitrust laws.
5 In re Currency Conversion Fee Antitrust Litigation	P Antitrust	<input checked="" type="checkbox"/>	<input type="checkbox"/>	US District Court; Southern District of New York; MDL Docket No. 1409	Schrag & Baum/Tom Schrag; Steyer Lowenthal Boodrookas Alvarez & Smith/Allan Steyer; Lerach Coughlin Stioa & Robbins/Chris Burke	Respond to defendants' expert's analysis of defendant banks' net incremental cost to provide international credit card transactions.
6 Knutson Towboat, Inc. v. Coos Bay Pilots Association	P Antitrust	<input checked="" type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1988)	Ragen, Tremaine, Krieger, Schmeer & Neil/John McGrory, Fred Aibe	Market share analysis; calculate plaintiff's lost profits.
7 Peace Northwest Corp. v. Merle West Medical Center	P Antitrust	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1988)	Perkins Coie/Michael Simon	Business valuation.
8 Patricia Vanderpool, et al. v. Allstate Insurance Company, et al.	P Bad faith	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Sacramento County; Case No. 02-AS01532	Kershaw, Cutter, Ratinoff & York / Brooks Cutter	Analysis of auto premium overcharges due to improper mileage rating.
9 Black v. Finkelstein	P Bankruptcy	<input type="checkbox"/>	<input type="checkbox"/>	U.S. Bankruptcy Court, Central District of California (1988)	Ball, Janik & Novack/Ken Novack	Forensic accounting.
10 Continental Casualty Insurance Co. v. Lincoln Property Management Co.	P Bankruptcy	<input type="checkbox"/>	<input type="checkbox"/>	Pre-litigation (1990)	Chapman & Cutler	Forensic accounting.
11 First Interstate Bank of Oregon v. Latitude Marines, Inc.	P Bankruptcy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	U.S. Bankruptcy Court, Oregon (1988)	Stoel, Rives, Boley, Jones & Grey/Bennett Goldstein	Forensic accounting; calculation of earnings.
12 State of California v. Rosendin, et al.	P Bid rigging	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Sacramento County (1992)	California State Attorney General/Tom Greene	Statistical analysis of bid data regarding electrical construction contracts.
13 State of California v. Sherwin, et al.	P Bid rigging	<input type="checkbox"/>	<input type="checkbox"/>	Sacramento County Superior Court; Case No. 95F00913 (1997)	California State Attorney General/Molly Alden	Statistical analysis of bid data regarding contracts to provide food services to state prisons.
14 3CX, Inc. v. Global Strategic Investment, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Pre-litigation	Werner & Burke/Ryan Werner	Determine value of 3CX shares pursuant to buy-out provision in shareholder agreement.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
15 A.P.J. Associates, Inc. v. North American Philips Corporation and Signetis Company	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Eastern District of Michigan; Case No. 98-74911	Banchero & Associates/Jeff Banchero	Determine compensation due plaintiff in connection with defendants' sales of microprocessors.
16 Advanced Business Telecommunications v. Pac Bell	D Breach of Contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California (1993)	Orrick Herrington/Tom Gray	Respond to plaintiff's analysis of lost profits.
17 Bank One, Oklahoma, N.A. et al. v. Trammell Crow Services, Inc., et al.	D Breach of Contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Illinois, Eastern Division; Case No. 03 C 3624	Jenner & Block / David Sanders	Analysis of Bank One's damages due to alleged errors contained in Trammel Crow's financial analysis of a real estate investment.
18 Brown v. Pacific Northwest Bell	D Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	American Arbitration Association (1988)	Schwabe, Williamson & Wyatt/Jay Waldron	Calculate plaintiff's damages due to breach of contract involving error in yellow page advertising.
19 Children's Hospital & Regional Medical Center v. Eclipsys Corporation	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of Washington For King County; Case No. 02-02361-1SEA (2003)	Richard Johnston, Lisa Cameron/Hale & Dorr	Determine plaintiff's damages due to defendant's alleged breach of contract to install a Clinical Information System at plaintiff's hospital.
20 CIAL v. Venture Imaging	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1988)	Perkins Coie/Michael Simon	Damages analysis.
21 Cleghom Bar Enterprises, et al. v. Museum Parc Partners, L.P., et al.	P Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Arbitration; Case No. 74 180 00754 (San Francisco, 2002)	Banchero & Associates/Jeff Banchero, Nance Becker	Forensic accounting. Analysis of amounts due limited partners in San Francisco retail space limited partnership.
22 Computer Business Applications, Inc. v. Computer Development, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California (1994)	Perkins Coie/Doug Thorpe, Dan Johnson	Valuation of intellectual property.
23 Convergence Associates v. NaviSite, Inc.	P Breach of contract	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Arbitration; JAMS Case No. 1100040436	Russo & Hale/Jack Russo, Tim Hale, Mike Risch	Determine Convergence's earned revenues absent NaviSite's alleged breach of purchase agreement.
24 David McDonald v. Silicon Valley Expert Witness Group, et al.	D Breach of contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court of California; Santa Clara County; Case No. CV 809 162	Russo & Hale/Jack Russo, Tim Hale, Mike Risch	Calculation of share value per terms of shareholder agreement.
25 Deutsch Technology Research v. OrCAD, Inc.	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association; Case No. 74 Y 117 01319 98 (1998)	Ater Wynne/Steve Blackhurst	Rebut plaintiff's damages analysis regarding breach of software distribution agreement.
26 DP-TEK Development Company v. Integrated Device Technology, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Kansas; Case No. 97-1541-JTM (1998)	Gibson, Dunn & Crutcher/Charles Ivie	Calculate plaintiff's damages resulting from defendant's breach of contract re software development.
27 Eastman Kodak Company v. Calcomp Technology, Inc., et al.	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of California; County of Orange (2000)	Irell & Manella/Ken Heitz	Determine plaintiff's damages due to defendant's failure to develop inkjet printer technology.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
28 F. M. Nicholas Co., Inc. v. AMP, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C 00 2731 MEJ (2000)	Banchero & Associates/Jeff Banchero	Analysis of plaintiff's damages due to defendant's breach of distributor agreement.
29 fourthchannel, inc. v. Pivotal Corporation	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association; Case No. 50 T 133 00200 (2001)	Dorsey & Whitney/Peter Sipkins	Analysis of plaintiff's damages due to defendant's breach of software development and license agreement re internet commerce software.
30 Fred Meyer v. A.T. Kearney	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1992)	Bullivant, Houser, Baily Pendergrass & Hoffman/ Doug Houser, Dan Lindahl	Damages analysis related to failed computer system installation.
31 Glass & Associates v. Factory Mutual Insurance Company	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Oregon; Civil No. 99-6105-HO (2000)	Ball Janik/Rick Stone	Determine damages to plaintiff's plywood mill due to insurance company's bad faith in settlement of business interruption claim.
32 Green Hills Software, Inc. v. Integrated Software, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Arbitration; Case No. 72 117 01213 97	Munger Tolles & Olson/Greg Stone, Kelly Klaus	Calculate plaintiff's damages resulting from defendant's breach of software license agreement.
33 Hifn, Inc. v. Intel Corporation	P Breach of Contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court for the State of Delaware, County of New Castle. Case No. 05C-06-052-PLA	Tom Moore Law Group / Tom Moore	Calculate damages due to Intel's breach of technology license and purchase agreement.
34 Honey Baked Ham, Inc., et al. v. Pilgrim's Pride Corporation	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California (Santa Ana); Case No. SACV 04-01158	Peterson, Weyand & Martin / Kurt Peterson	Calculation of lost profits due to Pilgrim's failure to timely deliver food products.
35 Honey Baked Hams, Inc. v. Towne, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of the State of California, County of Orange (2002)	Peterson Weyand & Martin/Kurt Peterson	Determine Honey Baked Hams' damages due to printing of incorrect telephone number in mailing catalog.
36 Ion Beam Applications, Inc. v. Outrigger Systems, Inc., et al.	D Breach of Contract	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Santa Clara County; Case No. 1-03-CV-006620	Orrick Herrington & Sutcliffe/Matt Poppe	Analysis of balance due on promissory notes.
37 Kaiser Aerospace & Electronics v. Teledyne Industries	P Breach of contract	<input checked="" type="checkbox"/>	<input type="checkbox"/>	11th Judicial Circuit Miami - Dade County, Florida; Civil Action No. 95-05288-CA-15 (2001)	Weil Gotshal & Manges/Ed Soto, Oscar Cantu, Gina Dombosch	Determine damages due to defendant's breach of contract to jointly acquire Piper Aircraft Corporation's assets out of bankruptcy. Business valuation.
38 Legacy Health Hospitals v. Aramark Corporation	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1999)	Ball Janik/Rick Stone, Bruce Conn	Determine damages to Legacy Health Hospitals resulting from Aramark's breach of Management Services Agreement.
39 Market Transport, Inc. v. Wackenhut Corp.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1990)	Markowitz, Herbold, Stafford & Glade/Burt Stafford	Damages/business interruption analysis.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
40 Micky Novak v. Seiko Corp., et al.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon; Case No. CV 99 1022 RE (2000)	Elliott & Park/Dennis Elliott	Determine reasonable compensation for plaintiffs role regarding defendants' sales of sport watches to Nike.
41 Moving Media, Inc. v. Speck Cab Company.	P Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Superior Court of California, County of San Francisco; Case No. 978740 (2001)	Werner & Burke/Ryan Werner	Analysis of damages due to defendant's breach of advertising contract.
42 Oregon Metallurgical Corp. v. Burlington Northern & Santa Fe Railway Company, CSX Transportation Company	P Breach of contract	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	US District Court, District of Oregon; Case No. 01-1052-HA (2001)	Lane Powell Spears Lubersky/Met Wilson, Milo Petranovich	Analysis of damages due to late railcar deliveries of raw material used in manufacture of titanium sponge.
43 Ostex International, Inc. v. Boehringer Mannheim	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association; Case No. 79T184 00192 95 (1996)	Mundt, MacGregor, Happel, Falconer, Zulauf & Hall/Jay Zulauf	Determine damages due to defendant's breach of contract to promote plaintiff's osteoporosis testing technology.
44 PC Designs, Inc. v. GN Hello Direct	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Arbitration (Florida)	Andrews & Galatis / Ted Galatis	Determine additional royalties due per license agreement.
45 Polo Ralph Lauren L.P. v. The Magnin Company, Inc.	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association (1997)	Browne & Woods/Eddie Woods	Determine damages due to defendant's breach of franchise agreement by not allowing plaintiff to open a Polo Ralph Lauren store at LAX International Airport.
46 Prestige Card, Inc. v. Bank One, et al.	D Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Arbitration (1998)	Lane Powell Spears Lubersky/Met Wilson	Analysis of lost profits due to defendant's breach of contract to develop affinity credit card program.
47 Pyramed, Inc. v. Caremark, Inc.	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association (1989)	Spears, Lubersky, Bledsoe, Anderson, Young & Hilliard/Bob Maloney	Damages analysis.
48 Raikow v. Frontier Jeep Eagle	D Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Arbitration (1991)	Betts, Patterson & Mines/James Nelson, Lori Guzzo; Stoll, Stoll, Berne & Lokling/Rob Shlachter	Forensic accounting; determine profit earned by auto dealership.
49 Retail Distributor v. Wholesale Manufacturer (disclosure of parties precluded by settlement agreement)	P Breach of Contract	<input type="checkbox"/>	<input type="checkbox"/>	Disclosure precluded by settlement agreement	Hennley & Grossfeld / Orlando Cabanday, Ryan Jike	Analysis of plaintiff's lost profits due to alleged breach of contract regarding allocation of product among retail distributors.
50 Seer Systems, Inc. v. Creative Technology, Ltd.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of Santa Clara, Case No. CV 793916	Peterson Weyand & Martin/Alex Weyand	Determine lost profits due to defendant's breach of technology licensing agreement.
51 Seymon v. EASI, Inc., et al.	P Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Superior Court of California, County of San Joaquin; Case No. CV010303 (2001)	Chadeayne, Burns & Leachman/Ron Leachman	Valuation of goodwill value of EASI, Inc.
52 SMS Automotive v. Allied Signal	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Pennsylvania (1992)	Duane, Morris & Hecksher	Damages analysis/ business valuation.



Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
53 Tarkington, O'Connor & O'Neill v. Fireman's Fund Insurance Companies	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court; County of San Francisco; Case No. 958950 (1996)	Rice, Fowler, Booth & Banning/Kurt Micklow	Analysis of factors contributing to plaintiff's financial decline.
54 TRW, Inc. v. Talley Industries, Inc., et al.	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Arizona; Civil Action 94-0350-PHX-PGR (1995)	Donovan, Leisure, Newton & Irving/Jeff Conciatori	Calculate defendant's damages resulting from plaintiff's breach of contract regarding sales of air bag technology.
55 Ultratech Stepper v. Dynamic Automated Systems, Inc.	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Arbitration (San Francisco; 2001)	Russo & Hale/John Kelley, Mike Risch	Determine plaintiff's damages due to defendant's breach of contract to develop high speed material handler used in semiconductor manufacturing.
56 United Computer Systems, Inc. v. AT&T	D Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association; No. 72 117 1362 91 (1998)	Orrick Herrington & Sutcliff/Bob Freitas	Rebut plaintiff's lost profits damages analysis re breach of software development contract.
57 Wolfgang Brox v. Andreas Pender	P Breach of contract	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Superior Court, County of Napa; Case No. 26-25972	Kastner Banchemo / Jeff Banchemo	Determine damages from operation and sale of partnership that owned The Candlelight Inn in Napa, CA.
58 WSI v. Port of Portland	P Breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1991)	Bogle & Gates/Dave Canary	Determine damages due to defendant's breach of contract to repair dry dock ship repair facilities.
59 insureon.com v. Philadelphia Indemnity Insurance Company, et al.	P Breach of contract, bad faith	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of Alameda (2002)	Werner & Burke/Ryan Werner, Joe Burke	Analysis of damages due to defendant's failure to fund defense of trademark infringement suit filed against insureon.
60 LASVN#2, et. al. v. Vann Ness and Sperry, et. al.	P Breach of contract, breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	Los Angeles Superior Court, California; Case No. BC 206251 (2002)	Krane & Smith/Marc Smith	Determine plaintiff's damages due to wrongful termination of commercial real estate brokerage.
61 Ainslie, et al. v. First Interstate Bank of Oregon	D Breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1993)	Lane Powell Spears Lubersky/Met Wilson	Analysis of defendant's compliance with terms of escrow agreement.
62 Huntington Bank, Inc. v. Gilchrist Timber Company	D Breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon; (1993)	Ater, Wynn, Hewitt, Dodson & Skerritt/Steve Blackhurst	Financial analysis. Business valuation.
63 Ingersoll-Rand Financial Corp. v. First Interstate Bank of Oregon	D Breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1993)	Lane Powell Spears Lubersky/Met Wilson, Tim Harmon	Analysis of defendant's compliance with terms of escrow agreement.
64 Oregon Dental Association v. United States National Bank	P Breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1988)	Perkins Coie/Michael Simon	Jury award distribution analysis.
65 Supra Corporation v. D.L. Horton Enterprises, Inc.	P Breach of fiduciary duty	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of Los Angeles; Case No. BC 093085 (1995)	Stradling, Yocca, Carlson & Rauth/Julle McCoy Akins	Calculate plaintiff's lost profits due to business interruption.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
66 Bernhart v. Johnson	P Breach of franchise agreement	<input type="checkbox"/>	<input type="checkbox"/>	Washington State Superior Court, King County (1994)	Preston, Gates & Ellis/Carol Arnold	Calculate damages due to alleged wrongful termination of real estate franchise agreement
67 The Commissioner of Insurance of the State of Michigan v. Harris Trust and Savings Bank, et al.	D Breach of trust	<input type="checkbox"/>	<input type="checkbox"/>	Michigan Circuit Court, Ingham County (1996)	Winston & Strawn/Mark Rotert, Carloyn McNiven	Transactional analysis of trust account activity; damages analysis.
68 Emerson Radio Corp. v. G&C Distributing	P Breach of warranty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association (1988)	Ball, Janik & Novack/Ken Novack	Analysis of defendant's sales, calculate lost profits.
69 General Chemical v. Nisshin Gulf Coast, Inc.	P Breach of warranty	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, County of San Francisco; Case No. 306072 (2000)	Banchero & Associates/Jeff Banchero, Nance Becker	Calculate plaintiff's damages caused by failure of defendant's equipment used in the manufacture of high purity sulfuric acids.
70 I. B. Fischer v. Foodmaker, Inc.	P Breach of warranty	<input type="checkbox"/>	<input type="checkbox"/>	N/A (1993)	Milbank, Tweed, Hadley & McCloy/Rick Stone, Betsy Lear	Determine damages due to defendant's provision of e coli tainted meat to Jack In The Box franchisee.
71 Lewis River Golf Course v. Scott Seed Company, Inc.	D Breach of warranty	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Washington (1988)	Schwabe, Williamson & Wyatt/Donald Joe Willis	Determine damages due to defendant's provision of incorrect grass seed.
72 LHS Communications Systems, Inc. v. Pacific Bell Mobile Services.	D Breach of warranty	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Arbitration; Case No. 30 Y 181 00786 99 (San Francisco, 2001)	Orrick, Herrington & Sutcliffe/Matt Poppe, Chris Ottenweller	Prepare counterclaim damages analysis regarding failure of plaintiff's billing software program.
73 Virtual Silicon Technology, Inc. v. Library Technologies, Inc.	P Breach of warranty	<input type="checkbox"/>	<input type="checkbox"/>	American Arbitration Association (San Francisco, 2003)	Russo & Hale/Tim Hale, John Kelley, Mike Risch	Analysis of damages due to alleged deficiencies in defendant's standard cell library software.
74 Ball, Ball, Brosamer, Inc. v. Myles Lorentz, Inc.	P Business devastation	<input type="checkbox"/>	<input type="checkbox"/>	District Court, City and County of Denver, Colorado; Civil Action #93 CV 1234 (1995)	Holland & Hart/Robert Benson, Ian Karpel	Analysis of factors contributing to defendant's bankruptcy.
75 Adam Schwartz v. VISA International Corp., MasterCard International, Inc. et al.	P California Business & Professions Code § 17200	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Superior Court of California, County of Alameda; Case No. 822404-4 (2001)	Schrag & Baum/Tom Schrag; Steyer Lowenthal Boodrookas Alvarez & Smith/Allan Steyer; Millberg Weiss/Chris Burke	Prepare cost and profitability analysis of multicurrency conversion settlement system.
76 Lussier Subaru, et al v. Subaru of New England, Inc., et al.	P Class Action	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of New Hampshire; Case No. C-99-109-B (2000)	Kronick, Moskovitz, Tiedemann & Girard/Bill Kershaw; Wiggin & Nourie/Rich McNamara	Determine damages to class of Subaru dealers due to over accessorization of cars.
77 Cleghom Bar Enterprises, et al. v. Garlock, et al.	P Complaint for Indemnity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	California Superior Court, County of San Francisco; Case No. CGC 04-432322 (2005)	Kastner Banchero / Jeff Banchero	Forensic accounting analysis. Determine amounts owing plaintiffs.
78 Yield Dynamics v. Macrovision, et al.	P Copyright infringement	<input type="checkbox"/>	<input type="checkbox"/>	United States District Court, Northern District of California (2003)	Russo & Hale/Tim Hale	Analysis of plaintiff's damages due to defendants alleged use of plaintiff's software code.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
79 Bayshore Ford Truck Sales, Inc. et al. v. Ford Motor Company	P Dealer termination	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of New Jersey; Case No. 99 cv 741 (JCL)	Kronick, Moskovitz, Tiedemann & Girard/Bill Kershaw, Lyle Cook, Jonathan Renner	Calculate damages for class of truck dealers regarding Ford's sale of its heavy duty truck business to Freightliner.
80 Blount v. Oregon Tractor	D Dealer termination	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1992)	Perkins Coie/Chris Angius	Determine damages due to plaintiff's alleged wrongful termination of franchise agreement.
81 Lusk v. Jiffy Lube	D Dealer termination	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Sacramento County (1992)	Porter, Scott, Weibert & Delehart	Analysis of plaintiff's damages due to termination of franchise agreement.
82 Meyers v. UNOCAL	P Dealer termination	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1991)	James, Denecke & Harris/Roger Harris	Analysis of plaintiff's damages due to termination of franchise agreement. Business valuation.
83 The Communications Group v. GTE Mobilnet	D Dealer termination	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1992)	Lane Powell Spears Lubersky/Met Wilson, George Kirkland	Analysis of plaintiff's damages due to termination of franchise agreement.
84 Benchmark Designs of California v. D.W. Industries, Inc., et al.	P Dissenting minority shareholder	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County; Case No. 9408-05328 (1995)	Larry Sokol & Associates/ Larry Sokol	Valuation of minority shareholder interest.
85 State of California v. Bio-Rad	D Eminent domain	<input type="checkbox"/>	<input type="checkbox"/>	Alameda Superior Court, California (1992)	Law offices of James Whitaker/Jim Whitaker	Determine damages resulting from state of California seizing defendant's land through eminent domain in connection with construction of highway.
86 General Electric	P Environmental contamination	<input type="checkbox"/>	<input type="checkbox"/>	N/A (1995)	GE in-house counsel	Estimate costs to remediate contaminated sites.
87 Lowe's Home Centers, Inc. v. General Electric Company	D Environmental contamination	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Georgia; Case No. 4:98-CV-0028-HLM (2000)	Williams & Connolly/Steve Kuney, Bob Shaughnessy	Rebut plaintiff's lost profits damages analysis regarding lost opportunity to open a Lowes superstore in Rome, GA.
88 NEC Technologies v. Samsung	P False advertising / Lanham Act	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Illinois (2001)	Bates & Carey/Richard Nicolaides	Analysis of plaintiff's damages due to defendant's false advertisements re flat panel pc monitors.
89 Damerow Ford v. Prebble	P Fraud	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1989)	Schwabe, Williamson & Wyatt/Tom Dulcich, Peter Ozanne	Forensic accounting. Investigation of possible fraud by operating partner of auto dealership.
90 Eulrich v. Snap-On Tools Corp.	D Fraud	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Linn County (1990)	Spears, Lubersky, Bledsoe, Anderson, Young & Hilliard/Milo Petranovich	Determine damages due to defendant's alleged wrongful termination of franchise agreement.
91 First Interstate Bank of Oregon v. C&B Livestock, Inc.	P Fraud	<input type="checkbox"/>	<input type="checkbox"/>	N/A (1991)	Weiss, Jensen, Ellis & Botteri/Charlie Starkey	Forensic accounting. Analysis of defendant's financial reporting.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony			Law Firm	Work Performed
		Depo	Trial	Court		
92 Hammersmith v. Taco Bell Corp.	D Fraud	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1990)	Skadden, Arps, Slate, Meagher & Flom	Determine damages due to defendant's alleged wrongful termination of franchise agreement.
93 PG&E v. Satrap	P Fraud	<input type="checkbox"/>	<input type="checkbox"/>	Pre-litigation (1989)	PG&E's Internal Audit Department	Forensic accounting. Analysis of terms of natural gas contracts PG&E entered into with gas suppliers.
94 Pioneer Liquidating Corporation v. San Diego Trust & Savings Bank, et al.	D Fraud	<input type="checkbox"/>	<input type="checkbox"/>	United States District Court, Southern District of California; Case No. 94-361 (1995)	Post, Kirby, Noonan & Sweat/David Noonan, Steve Sanchez	Analysis of check kiting scheme. Analyze and respond to plaintiff's damages theories and calculations.
95 State of Oregon v. Vendu Services, Inc.	P Fraud	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Marion County (1993)	Oregon State Attorney General/Gene Ebersole	Forensic accounting; calculation of defendant's unreported sales revenue.
96 Jo Edward Enterprises, Inc. v. Ball, Ball, Brosamer, Inc., et al.	D Fraud, breach of contract	<input type="checkbox"/>	<input type="checkbox"/>	District Court, City and County of Denver, Colorado; Civil Action #9 CV 4495 (1995)	Holland & Hart/Robert Benson, Todd Miller	Forensic accounting. Analysis of invoice and payment transactions.
97 Paul Miller v. Bank of America	D Fraud, Unfair Business Practices	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Superior Court of California; San Francisco County; Case No. 301917	The Sturdevant Law Firm/Jim Sturdevant, Mark Johnson, Jesper Rasmussen	Determine NSF fees charged to class. Profitability analysis.
98 Dorothee Dary, et al. v. William and Lee Ann Gilbert, et al.	D Fraudulent transfer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court of California; San Mateo County; Case No. 406876	Werner & Burke/Ryan Werner, Joe Burke	Determine goodwill value of saloon.
99 Christensen Yachts v. New Hampshire Insurance	P Insurance claim	<input type="checkbox"/>	<input type="checkbox"/>	Arbitration (1992)	N/A	Determine economic impact on yacht manufacturer following destruction of manufacturing facility by fire.
100 Virgin Vision, Ltd. v. The Samuel Goldwyn Co.	P Intellectual property	<input type="checkbox"/>	<input type="checkbox"/>	California State Superior Court, Los Angeles County; No. BC-013701 (1994)	Law Offices of James P. Tiemey/Susan Cleary	Determine damages due to defendant's failure to post listing in film credits.
101 Phase Metrics, Inc. v. Magnetic Recording Solutions, Inc., et al.	D Intentional interference with prospective business advantage	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C-98-1799-CAL	Hoge, Fenton, Jones & Appel/Howard Lloyd, Bill Bretschneider	Calculate plaintiff's damages resulting from defendant's interfering with plaintiff's contract with third party concerning sale of hard disk drive testing equipment manufacturer.
102 Collegenet, Inc. v. Embark.com, Inc.	D Lanham Act	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon; Case No. CV 00 981 ST	Stoll, Stoll, Berne, Lokting & Shlachter/Robert Stoll	Determine plaintiff's damages due to alleged false statements by defendants regarding online college application website service.
103 Monogram Aerospace Fasteners, Inc. v. The Fairchild Corporation	D Lanham Act	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Los Angeles Superior Court (2001)	Irell & Manella/Tom Foley, Mike Emer	Determine plaintiff's damages due to wrongful termination notice.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Depo	Testimony		Court	Law Firm	Work Performed
			Trial	Court			
104 Southland Sod Farms v. Stover Seed Company, et al.	P	Lanham Act	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California; Civil No. 92-4894-JMI (1994)	Nordman, Cormony, Hair & Compton/Bob Compton	Determine damages due to defendant's alleged false advertising regarding proprietary grass seed.
105 Tube Forgings, Inc. v. Weldbend, Inc.	D	Lanham Act	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1992)	Mayer, Brown & Platt/Tom McNeill	Determine damages due to defendant's alleged false advertising regarding carbon steel butt-weld pipe fittings.
106 Chain Tool Co. v. Workman, Nydegger & Jensen, et al.	P	Legal malpractice	<input type="checkbox"/>	<input type="checkbox"/>	Third District Court, Utah (1990)	Wilkins, Oritt & Headman/Jeff Oritt	Determine damages due to defendant law firm's failure to procure foreign patent protection for U.S. patented chain tool device.
107 Dr. Magda Botez v. Herzfeld & Rubin, International Housing Systems, Inc.	P	Legal malpractice	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of the State of California, County of Los Angeles; Case No. BC 192893	Green, Broillet, Taylor, Wheeler & Panish/Bruce Broillet, Scott Carr	Prepare valuation analysis of hotel/spa opportunity in Romania.
108 First Interstate Bank of Oregon v. Haynes & Waldon Farms, Inc.	P	Lender liability	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Deschutes County (1989)	Marceau, Karnopp, Peterson, Noteboom & Hubel/Martin Hansen	Forensic accounting. Determine cause of failure of defendant's potato farming operation.
109 Hrebec Properties, Inc. v. First Interstate Bank of California	D	Lender liability	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1991)	Lane Powell Spears Lubersky/Bob Maloney	Calculate damages due to defendant's alleged breach of contract to provide funding for construction of apartment complex.
110 JRS Products v. Network Office Systems	P	Libel	<input type="checkbox"/>	<input type="checkbox"/>	Sacramento County Superior Court, California; Case No. 95 AS 04411 (1997)	Law Offices of Richard Hart/ Richard Hart	Compute plaintiff's lost profits.
111 McCaw v. McCaw	P	Marital dissolution	<input type="checkbox"/>	<input type="checkbox"/>	King County Superior Court, Washington; Case No. 95-3-07235-0 SEA (1997)	Perkins Coie; Danielson, Harrigan & Tollefson; Kinzel, Allan, Skone & Searing; Law Offices of Gordon Wilcox	Investigatory accounting regarding divorce.
112 Orem v. Orem	P	Marital dissolution	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Klamath County (1993)	James, Denecke & Harris/Richard Urrutia	Business valuation; valuation of marital estate.
113 Sohn v. Sohn	P	Marital dissolution	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Douglas County (1991)	Hutchinson, Anderson, Cox, Parrish & Coons	Business valuation.
114 E.L. Hamm & Associates, Inc. v. American Management Systems, Inc., et al.	D	Misappropriation of intangible assets	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Eastern District of Virginia, Norfolk Division; Case No. 2:98cv1046	Shaw Pittman Potts & Trowbridge/Ralph Taylor; Kaufman & Canoles/Steve Noona	Rebut plaintiff's damages analysis regarding valuation of computer graphics marketing material.
115 Franklin v. Johnny Limbo & The Lugnuts	P	Partnership dissolution	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1994)	Jolles, Sokol & Bernstein/Bernie Jolles	Prepare valuation analysis of band member's interest in partnership.
116 Advanced Video Graphics v. Microsoft	P	Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	US District Court, Eastern District of Texas; Case No. 6:05cv006 LED	McKool & Smith / Chris Harrington	Calculation of damages due to Microsoft's infringement of patents regarding pre-emptive multitasking in a computer operating system.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
117 Atari Corporation v. Sega of America, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California (1994)	Flehr, Hohbach, Test, Albritton & Gerbert/Richard Doyle, Jr.	Calculate reasonable royalty damages related to patented video game technology.
118 Atari v. Nintendo	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern California (1992)	Knobbe, Martens, Olson & Bear	Calculate reasonable royalty damages related to patented video game technology.
119 Avia v. Nike, Inc.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1992)	Baker & Botts/Scott Partridge, Tim Durst	Calculate reasonable royalty damages regarding air sole shoe technology.
120 Brent Townshend v. Rockwell Semiconductor Systems, Inc., et al.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of San Mateo (1998)	Wilson Sonsini Goodrich & Rosati/Ken Wilson, Betsy Lear	Calculate lost profits and reasonable royalty damages due to Rockwell's infringement of Townshend's patents regarding 56k modem technology.
121 Cylink Corporation v. RSA Data Security, Inc.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California (1995)	Tomlinson, Zisko, Morosoli & Maser/Jim Busselle, Tom Moore	Calculate reasonable royalty damages regarding data encryption technology.
122 Datascape, Inc. v. Kyocera, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Georgia.	Robins Kaplan Miller & Ciresi / Steve Risley, Scott Culpepper	Determine reasonable royalty damages due to Kyocera's infringement of portfolio of patents related to WAP enabled cellular telephones.
123 Datascape, Inc. v. Sony Ericsson Mobile Communications, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Georgia. Case No. 1:05-CV-3317	Robins Kaplan Miller & Ciresi / Steve Risley, Scott Culpepper	Determine reasonable royalty damages due to Sony Ericsson's infringement of portfolio of patents related to WAP enabled cellular telephones.
124 Datascape, Inc. v. UTStarcom, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Georgia. Case No. 1:05-CV-3164	Robins Kaplan Miller & Ciresi / Steve Risley, Scott Culpepper	Determine reasonable royalty damages due to UTStarcom's infringement of portfolio of patents related to WAP enabled cellular telephones.
125 Eastman Kodak Company v. Sony Corporation	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Eastern District of Texas (1993)	Jones, Day, Reavis & Pogue/Jim Wamsley, Leo Aggazino	Calculate reasonable royalty damages regarding microgap camcorder technology.
126 Electro Scientific Industries, Inc. v. Dynamic Details, Inc., GSI Lumonics, Inc.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California; No. SACV00-272 AHS (2001)	Knobbe, Martens, Olson & Bear/Don Martens, Paul Stewart	Rebut patentee's lost profits and reasonable royalty damages analysis re patent for microvia laser drilling system.
127 Elk Industries, Inc. v. Glenayre Electronics, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Southern District of Florida (1993)	Christensen O'Connor Johnson Kindness/Jim Uhler	Calculate reasonable royalty damages regarding electronic aviation technology.
128 Engineered Products Co., v. Donaldson Company, Incorporated.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Iowa; Case No. 98-2106MJM (2000)	Robins, Kaplan, Miller & Ciresi/Annamarie Daley, Ken Hall	Rebut plaintiff's lost profits and reasonable royalty analysis re air restriction indicators.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
129 HPD Laboratories, Inc. v. The Clorox Company	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	US District Court; Northern District of California (2001)	Morrison & Foerster/Mike Carlson, Brooks Beard	Determine lost profits and reasonable royalty damages due to defendants infringement of patents regarding toilet bowl cleaner technology.
130 Huse v. Stratagene	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, San Diego County (1991)	Pillsbury, Madison & Sutro/Ina Risman	Calculate reasonable royalty damages regarding cloning technology.
131 Intergraph Corporation v. Intel Corporation.	P Patent Infringement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Alabama; Case No. CV 97-N-3023-NE (1999)	Townsend, Townsend & Crew/Bill Jaeger, Bill Bohler	Reasonable royalty analysis of RAID and graphics patents.
132 Intergraph Hardware Technologies Company v. Hewlett-Packard Company, et al.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court Eastern District of Texas Marshall Division; Case No. 2-02CV-312 TJW (2004)	Robins Kaplan Miller & Ciresi / Bill Manning, Jim Anderson, Eric Jackson, Bill Marino	Determine reasonable royalty damages for Intergraph's Clipper patents related to multiple caching strategies.
133 Johnson v. Anderson	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, San Francisco County (1993)	Walter Moeller/Bill Caspari	Calculate reasonable royalty regarding wood stove design technology.
134 K2 Corporation v. Salomon S.A., et al.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Washington; Case No. C98-1781 WD (1999)	Christensen O'Connor Johnson Kindness/Ross Boundy; Black, Lowe & Graham/Larry Graham	Calculate lost profits and reasonable royalty damages due to Salomon's infringement of K2's patents regarding inline skates.
135 McKesson Information Solutions LLC v. The Trizetto Group, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court Northern District of Delaware; Case No. 04-1258 (2005)	Skadden Arps Slate Meagher & Flom	Patent infringement damages analysis.
136 Monticelli v. Pacific Gas & Electric	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C94 1754 (1995)	PG&E in-house counsel/ Adam Chodorow	Calculate reasonable royalty regarding cooling tower construction design.
137 Nova Measuring Instruments, Ltd. v. Nanometrics, Inc.	D Patent Infringement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California, San Francisco Division; Case No. C05 00986 MMC (BZ)	Beck, Ross, Bismonte & Finley	Analysis of lost profits and reasonable royalty damages as a result of Nanometrics alleged infringement of patent pertaining to integrated metrology used in semiconductor manufacturing.
138 Orlaford Limited, et al. V. BBC International, et al.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court Western District of Wisconsin; Civil Action No. 97-C-0540-S (1998)	Foley & Lardner	Calculate patent infringement damages due to defendant's alleged infringement of patents regarding lights in heels of childrens' shoes.
139 Pactiv Corporation v. S.C. Johnson	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Illinois; Case No. 98C-2679 (2000)	Jenner & Block/Jim Benak, Andrew Jacobs	Calculate plaintiff's lost profits and reasonable royalty damages due to defendant's infringement of plaintiff's patent regarding slider zipper food storage bags.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
140 Petrosky v. Nike, Inc.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Virginia (1991)	Banner, Birch, McKie & Beckett/Roger Tate, Alan Kantor	Calculate reasonable royalty damages regarding air sole shoe technology.
141 Pitney Bowes v. Stamps.com	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Delaware; Case No. 02-042 JJF (2002)	Irell & Manella/Elliott Brown, Ben Hattenbach	Determine reasonable royalty damages due to Stamps' infringement of Pitney patents regarding internet postage.
142 Pitney Bowes, Inc. v. Hewlett Packard	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Connecticut; Civil Action No. 395CV01764 (1997)	Pennie & Edmonds/Jack Lauter, Steve Harbulak, Garland Stephens	Calculate reasonable royalty regarding resolution enhancement technology for laser printers.
143 Precor v. Weider Health & Fitness, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Washington; Civil No. C91-1743Z (1993)	Christensen, O'Connor, Johnson & Kindness/Jim Uhlir, Tom Theisen	Lost profits/reasonable royalty calculation regarding exercise equipment.
144 RealSource, Inc. v. Best Buy Company, Inc.	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Texas, Austin Division, Case No. A0 4CA771 LY	Robins Kaplan Miller & Ciresi / Eric Jackson	Determine reasonable royalty for patented technology related to gift cards.
145 Seer Systems, Inc. v. Beatnik, Inc., Microsoft Corporation	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C 03 4636 JSW (EDL)	Peterson, Weyand & Martin / Alex Weyand	Determine reasonable royalty rate for Seer patents related to audio data storage and playback.
146 Snyder Industries v. The Heil Company	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Wisconsin (1991)	Banner, Birch, McKie & Beckett/Roger Tate, Chris McKie	Calculate damages due to defendant's alleged infringement of patents regarding refuse container design.
147 St. Clair Intellectual Property Licensing, Inc. v. Fuji Photo Film Co. Ltd, Fuji Photo File USA, Inc., and Fujifilm America, Inc., Canon Inc. and Canon USA, Inc.	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Delaware; Case No. 03-241-JJF (2004)	Robins Kaplan Miller & Ciresi / Ron Schutz, Jake Holdreith, Becky Thorson, Carrie Lambert	Determine reasonable royalty for St. Clair patents related to multiple file format capability in digital cameras.
148 True Fitness Technologies, Inc. v. Precor Incorporated	D Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Eastern District of Missouri; Case No. 4:99 CV1306-DJS (2000)	Christensen O'Connor Johnson Kindness/Ross Boundy, Steve Fricke	Analysis of reasonable royalty damages due to True Fitness' infringement of patent regarding elliptical trainers.
149 Unisys Corporation v. Actel Corporation and Quicklogic Corporation	P Patent Infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California; Case No. C-00-01114 SBA	Pillsbury Winthrop/Bill Abrams, Brian Beatus	Determine reasonable royalty damages due to Quicklogic's infringement of patent regarding of architecture of Field Programmable Gate Arrays (FPGAs).
150 UniRam Technology, Inc. v. Monolithic System Technology, Taiwan Semiconductor Manufacturing Company, Ltd., TSMC North America	P Patent Infringement, Theft of Trade Secret	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of California. Case No. CV-04-01268-VRW	Susman Godfery / Joe Grinstein, Ian Crosby; Heim, Payne & Chorush / Russ Chorush	Determine lost profits and reasonable royalty damages due to defendants' infringement of patented technology regarding DRAM semiconductors. Calculate damages due to theft of trade secret.



**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed
		Depo	Trial			
151 Vita Zahnfabrik H. Rauter GMBH & Co. v. Dentsply International, Inc.	D Patent Infringement ; Copyright	<input checked="" type="checkbox"/>	<input type="checkbox"/>	US District Court, Central District of California; Case No. SA CV 04-729	Morgan Lewis & Bockius / Doug Rawles, Andrew Gray	Calculation of patent infringement damages due to infringement of patents related to dental color indicator devices.
152 Precor Incorporated v. Life Fitness	P Patent infringement ; unfair competition	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Washington; Case No. C94-1586C (1995)	Christensen O'Connor Johnson Kindness/Jim Uhler, Ross Boundy	Determine lost profits and reasonable royalty due to Precor's alleged infringement of patents re treadmills. Determine Precor's damages due to false statements by Life Fitness.
153 Bridget Bray v. TSP Hotels, Inc., et al.	P Personal injury	<input type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of Alameda; Case No. 406526 (2004)	Banchero Law Firm/Jeff Banchero	Calculation of lost earnings.
154 Khouri v. Roberts	P Personal injury	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Washington County (1993)	James, Denecke & Harris/Roger Harris	Calculation of lost earnings.
155 State of Hawaii v. USX	D Product liability	<input type="checkbox"/>	<input type="checkbox"/>	First Circuit Court, Hawaii (1992)	Berman, Paley, Goldstein & Berman/Tony Berman	Damages analysis regarding alleged failure of Corten steel used to construct stadium.
156 In re: America Honda Motor Co., Dealerships Relations Litigation	P RICO	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of Maryland; MDL Case No. 1069	Rapazzini & Graham/Mark Rapazzini, Beth Graham	Calculate Honda dealers' lost profits from misallocation of new Honda automobiles.
157 Collins v. Tetra Pak, Inc.	P Securities fraud	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Oregon Circuit Court, Multnomah County (1991)	James, Denecke & Harris/Roger Harris, Chris Martin	Business valuation and calculation of plaintiff's damages.
158 Newman, et al. v. Comprehensive Care Corp.	P Securities fraud	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Oregon (1993)	Ball, Janik & Novack/Sara Ryan	Damages analysis.
159 The Equitable Life Assurance Society of the United States, et al. v. David S. Shapira, et al.	P Securities fraud	<input type="checkbox"/>	<input type="checkbox"/>	U. S. District Court, Western District of Pennsylvania; Civil Action #93 0631 (1994)	Zelle & Larson/Rick Stone, Betsy Lear	Calculate damages suffered by plaintiff note holders.
160 Bartells Co. v. A.P. Green Industries	D Securities laws violations	<input type="checkbox"/>	<input type="checkbox"/>	King County Superior Court, Washington (1992)	Thompson & Mitchell	Damages analysis.
161 In re: Information Resources, Inc.	P Securities laws violations	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Illinois; Civil Action 89C 3712 (1994)	Freeborn & Peters; Katten, Muchin & Zavis	Determine securities damages to class.
162 DJ&J Software Corporation, dba Egghead Software v. Software House International, Inc.	P Theft of trade secret	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Superior Court of California, County of Los Angeles; Case No. BC 097126 (1994)	Perkins Coie/David Biderman, Colleen Reagan, Michael Sorochinsky	Calculate plaintiff's damages due to theft of trade secrets involving customer data.
163 Evanite Fiber Corporation v. Lauschaer Glaswerk GmbH, et al.	P Theft of trade secret	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, District of South Carolina, Charleston Division; Civil Action No. 2: 96-3525-18 (1998)	Farleigh, Wada & Witt/Al Bannon, Karen Saul	Calculate plaintiff's damages resulting from defendant's alleged theft of trade secret regarding manufacture of fiberglass.

**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony		Court	Law Firm	Work Performed	
		Depo	Trial				
164 FundsXpress, Inc. v Digital Insight, Inc.	D	Theft of trade secret	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Western District of Texas, Austin Division; Case No. A-02-CA-141SS (2002)	Cotton & Gundzik/John Cotton, Aaron Gundzik	Determine damages due to Digital Insight's theft of FundsXpress' trade secret information (customer list, pricing data)
165 Gerber Radio Supply Co., Inc. v. Philips Semiconductors, Inc., et al.	D	Theft of trade secret	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Massachusetts (1996)	Banchero & Lasater/Jeff Banchero	Valuation of trade secret; rebut plaintiff's damages calculation.
166 Thomas & Betts Corporation v. Panduit Corp.	P	Theft of trade secret	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Northern District of Illinois, Eastern Division (1997)	McBride, Baker & Coles/Robert Queeney, George Sanders	Determine damages due to defendant's theft of trade secrets (customer data).
167 Yield Dynamics, Inc. v. Lumileds Lighting U.S., LLC.	P	Theft of Trade Secret	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court for the State of California, Santa Clara County. Case No. 1-05-CV-037009	Russo & Hale / Michael Risch	Determine damages due to Lumileds' theft of trade secrets relating to yield enhancement software.
168 JCM American Corporation v. Mars Electronics International, Inc., Thomas P. Nugent	P	Theft of Trade Secrets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Nevada District Court, Clark County; Case No. A507304	Watson Rounds / Michael Rounds	Determine damages due to theft of trade secrets related to manufacture of currency validators.
169 The Profit Recovery Group v. Loder, et al.	P	Theft of trade secrets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	US District Court; Central District of California, Western Division; Civil Action No. CV 01-6200 GHK (2001)	Knobbe, Martens, Olson & Bear/Vito Canuso, John Holcomb, Linda Zadra-Symes	Analysis to determine whether defendants practiced plaintiff's claimed trade secrets and whether claimed trade secrets possessed independent economic value.
170 Yield Dynamics, Inc. v. Cypress Semiconductor Corporation	P	Theft of Trade Secrets	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	American Arbitration Association (2006); Case No. 74 133 00508 06 0MTH	Russo & Hale / Jack Russo, John Kelley, Chris Sargent	Analysis of YDI's damages due to Cypress Semiconductor's alleged unlicensed use of YDI's yield enhancement software.
171 Affinity Network, Inc. v. AT&T	D	Trademark infringement	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California (1994)	Jeffer, Mangels, Butler & Marmaro/Stan Gibson	Damages analysis.
172 Pacific Electriccord Company v. Paige Manufacturing Corp.	D	Trademark infringement	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court, Los Angeles County; Case No. BC157514 (1998)	Werner & Burke/Joe Burke	Calculate defendant's damages in cross-complaint against plaintiff for trademark infringement.
173 SalesMark, Inc. v. American Management Group, Inc.	D	Trademark infringement	<input type="checkbox"/>	<input type="checkbox"/>	U. S. District Court, Northern District of California; Civil Action No. C-98-0177 (1998)	Thelen, Reid & Priest/Robert Weikert	Analysis of reasonable royalty, lost profits and unjust enrichment damages.
174 Snelling and Snelling, Inc. v. MacLeod Investments, Inc., et al.	D	Trademark infringement	<input type="checkbox"/>	<input type="checkbox"/>	U. S. District Court, Northern District of California; Civil Action No. C-97 20156 (1997)	Margolis & Morin/Michael Morin	Calculate plaintiff's damages resulting from defendant's trademark infringement.
175 Altitude Capital Partners - TPL Group Due Diligence	na	Transaction	<input type="checkbox"/>	<input type="checkbox"/>	n/a	n/a	Provide economic due diligence analysis in connection with IP investment opportunity.
176 e-Cards v. Larry Joe King, et al.	P	Unfair competition (Lahnam Act)	<input type="checkbox"/>	<input type="checkbox"/>	U. S. District Court, Northern District of California (2000)	Williams & Connolly/Paul Gaffney	Valuation of internet site e-cards.com.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Type	Testimony		Court	Law Firm	Work Performed
			Depo	Trial			
177 Galaxy Networks, Inc. v. Kenan Systems Corp.	D	Unjust enrichment, Quantum meruit	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California; Civil Action No. CV-95-5568 DDP (1997)	Irell & Manella/Morgan Chu, Richard Birnholz, Peter Wilcox	Rebut plaintiff's valuation of services performed.
178 Arizona Corporation Commission v. U.S. West	D	Utility rate hearing	<input type="checkbox"/>	<input type="checkbox"/>	Arizona Corporation Commission Rate Hearings (1988)	U.S. West in-house counsel	Prudence review.
179 Adams, et al. v. California State Automobile Association, et al.	D	Various business torts	<input type="checkbox"/>	<input type="checkbox"/>	San Francisco Superior Court, California; No. 916163 (1994)	Thelen, Marrin, Johnson & Bridges/Bob Blum	Cost allocation study.
180 USA v. Amlani, et al.	D	Wire fraud	<input type="checkbox"/>	<input type="checkbox"/>	U.S. District Court, Central District of California (1993)	Howarth & Smith	Financial analysis.
181 Walker v. Mitchell	P	Wrongful death	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Yamhill County (1993)	James, Denecke & Harris/Richard Urrutia	Calculation of lost earnings.
182 Hill v. Bank of America, et al.	D	Wrongful eviction	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Superior Court of California, County of San Francisco; Case No. 959840 (1995)	Bank of America in-house counsel/Scott McMillen	Analysis of plaintiff's damages due to wrongful eviction.
183 Heiner v. PacifiCorp	P	Wrongful termination	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1994)	Davis Wright Tremaine/Mike Reiss	Financial analysis; calculation of lost earnings.
184 Petrusich v. Russell	D	Wrongful termination	<input type="checkbox"/>	<input type="checkbox"/>	Oregon Circuit Court, Multnomah County (1987)	Lindsay, Hart, Neil & Weigler/Carol Hewitt	Lost earnings analysis.
185 Robert Frisbee v. Enron Corp., FirstPoint, Inc.	P	Wrongful termination	<input type="checkbox"/>	<input type="checkbox"/>	Arbitration; Case No. 74 J 160 00360 98	Ball Janik/Jacob Tanzer	Value plaintiff's equity participation plan.
186 Tengler v. Spare, Tengler, Kaplan & Bischel, et al.	P	Wrongful termination	<input type="checkbox"/>	<input type="checkbox"/>	California Superior Court; County of San Francisco; Case No. 963822 (1996)	Cooley Godward Castro Huddleson & Tatum/Karin Kubin, Kristina Cordoza	Valuation analysis of plaintiff's minority interest in defendant-asset management firm.

Exhibit A  
**BRUCE L. McFARLANE**  
**CONSULTING AND TESTIMONY CASE LISTING**

Lawsuit	Type	Testimony			Law Firm	Work Performed
		Depo	Trial	Court		

Summary Statistics

Testimony:

Number of cases in which deposition testimony was given	22
Number of cases in which trial testimony was given	17
Number of cases in which testimony was given	33

Party Retained By:

Numer of cases retained on behalf of plaintiff	111	60%
Number of cases retained on behalf of defendant	74	40%
Number of non-litigation related projects	1	
Total number of cases / projects	186	

Data current as of 6/8/2007