

Commercial Litigation

Andrx Therapeutics, Inc. V. Mallinckrodt, Inc.

Berger Singerman (Fort Lauderdale) retained Hampton IP & Economic Consultants, on behalf of the plaintiff, with regard to Case No. 0:06-CV-60210 in the United States District Court for the Southern District of Florida, to evaluate economic damages arising from the alleged breach of contract involving generic and branded sales of the pain relief medication hydrocodone bitartrate with acetaminophen.

We submitted a Rule 26 expert report and provided deposition testimony.

EMove Inc. V. SMD Software Inc., Et Al.

SETTLED PRIOR TO ISSUING A RULE 26 EXPERT REPORT

Kercsmar & Feltus PLLC engaged Hampton IP & Economic Consultants on behalf of eMove to provide an opinion of damages arising from Defendants' alleged business defamation, tortious interference with business relationships, interference with valid business expectancy, violation of the Lanham Act, and common law unfair competition.

eMove, a subsidiary of U-Haul International, is an online marketplace for moving and self-storage products. Defendants produce and sell a software program used by self-storage facilities called SiteLink. eMove alleged that defendants routinely market the SMD Software and SiteLink by falsely representing the functionality, usability, qualities, and characteristics of the eMove Software as well as other eMove products and services.

Mr. Hampton provided analysis of damages.

Felix Alba, Et Al. V. Malvern Instruments Ltd.

Snell & Wilmer (Salt Lake City) retained our consultants, on behalf of the respondent, with regard to Case No. AAA 50 133 T 00018 05, to determine damages related to the alleged breach of a technology transfer agreement regarding acoustical spectroscopy instruments.

We provided lost royalty damage analyses, submitted a Rule 26 expert report, and provided testimony in deposition and at arbitration.

Flou S.P.A. V. Rid-Gid Products, Inc.

THE CASE SETTLED FAVORABLY FOR FLOU BEFORE TRIAL

Ropers Majeski Kohn & Bentley, PC, (Los Angeles) retained Hampton IP & Economic Consultants, on behalf of the defendant, with regard to Case No. 2:01-CV-05214 in the United States District Court for the Central District of California, to provide expert testimony regarding damages arising from the alleged disruption and interference of prospective economic relations with customers.

We identified economic factors contributing to alleged business loss, calculated damages, submitted a declaration, and provided a Rule 26 expert report.

MGA Entertainment, Inc. V. Ubisoft Entertainment, S.A.

THE CASE SETTLED FAVORABLY FOR UBISOFT.

Greenberg Glusker, LLP, (Los Angeles) retained Hampton IP & Economic Consultants, on behalf of the respondent, with regard to Case No. AAA 50 T 133 00467, to provide an opinion of damages arising from the alleged breach of a license agreement. The defendant agreed to create and market a video game based on the popular Bratz dolls, but had to delay sales due to the alleged breach of contract.

We calculated the Defendant's lost profit damages in the North American and European markets and submitted a Rule 26 expert report. In addition, we provided deposition testimony and testified at arbitration.

VF Imagewear, Inc., Et Al. V. Franco Apparel Group, Inc.

SETTLED BEFORE A RULE 26 REPORT WAS SUBMITTED

Franco Apparel Group, located in New York, New York, engaged Hampton IP & Economic Consultants to provide an opinion of damages arising from VF Imagewear, Inc. and Imagewear Apparel Corp.'s breach of contract, breach of contract-option, detrimental reliance on Option, fraud, interference will sell off, and breach of covenant of good faith and fair dealing.

Since 1988, Franco Apparel had been in the business of selling MLB apparel as a sub-licensee of Major League Baseball, under master licensor Imagewear, which owned the Majestic Trademark. Franco Apparel sold products across the country through retailers such as Target, K-Mart, Walmart, J.C. Penney, Sears, Kohls, and Sports Authority.

VF Imagewear is a publicly traded apparel company that owns many brands including Red Kap, Chef Designs, Bulwark, Horace Small, Lee, and Wrangler Hero. VF acquired Majestic.

Franco Apparel alleged that VF Imagewear and Imagewear Apparel breached its contract with Franco dealing with the MLB license.

Mr. Hampton provided assistance with discovery and analysis of various lost profit damage scenarios.

Atlas Steel V. Herm Hughes

OUR CONSULTANTS PROVIDED DEPOSITION TESTIMONY.

Atlas Steel, Inc. and the law firm of Callister Nebeker & McCullough retained Hampton IP & Economic Consultants, with regard to Case No. 98-0913228 in the Third Judicial District Court of Utah, to calculate lost profit damages arising from design and construction flaws of a multi-million dollar steel shredder.

We performed an analysis of the scrap steel industry and impacts caused by the failure of the shredding system.

Our analysis considered price and availability of scrap steel, throughput, and inventory levels.

Cequent Performance Products, Inc. F/K/A Cequent Towing Products, Inc. V. Let's Go Aero, Inc.

THE CASE SETTLED.

Silver & DeBoskey (Denver) retained Hampton IP professionals, on behalf of the defendant, with regard to Case No. 10-cv-02921 in the United States District Court for the District of Colorado, to provide an opinion of damages arising from the alleged

breach of contract related to a license agreement. The plaintiff claimed the defendant failed to continue to maintain patents and applications related to trailer accessories.

Hampton IP professionals provided an opinion of damages and calculated a reasonable royalty rate.

Edizone, LLC V. Merck & Co., Et Al.

Edizone engaged Hampton IP & Economic Consultants to provide an opinion of damages arising from Defendants' breach of contract and other wrongful acts.

As the assignee of over 35 patents covering more than 13 different technologies, Edizone operates in the field of innovation. These technologies include Intelli-Gel, Ortho-Gel, Multi-Cell, Gelastic and DuraGel, Flavor Tape, E-Gel, Photographic Quality Images in Plastic, and Floam/Z-Flo.

Merck & Co. is the second largest healthcare company in the world.

Edizone alleged Merck & Co. breached its license agreement with Edizone by failing to properly mark products incorporating Edizone's patented technology.

Mr. Hampton provided analysis of damages