

**NISHA MODY, Ph.D., CLP**  
Managing Partner

OSKR, LLC  
2200 Powell Street, Suite 430  
Emeryville, CA 94608  
(w) 510-899-7192 (c) 415-515-5698  
nmody@oskr.com

Nisha Mody, Ph.D. has provided financial and economic consulting on intellectual property cases, business valuation cases, antitrust cases and unfair business practices cases, among others. She specializes in the application of economic methods to complex business disputes and is retained in cases requiring economic analyses, financial analyses, valuations and/or damages-related analyses. Damages models constructed by Dr. Mody include reasonable royalties, lost profits, market share assessments, and but-for scenarios. Dr. Mody has also performed valuations of intellectual property (patents and trademarks) as well as valuations of tangible assets. In addition, she has evaluated damages by applying econometric analyses to large databases.

## **PROFESSIONAL EXPERIENCE**

### **INTELLECTUAL PROPERTY**

Advised clients on the value of intellectual property in non-litigation context. Worked with companies to provide valuations of patents and patent portfolios to determine a proper transaction price. Conducted valuations based upon cost, market, income, and discounted cash flow approaches.

Provided companies with valuations of trademarks by assessing market comparables, by assessing cost of changing the mark and by evaluating revenue and profit associated with use of the mark.

Provided a methodology for clients to assess the value of patents in their own portfolio. Determined the appropriate strategy for clients to monetize their intellectual property.

Analyzed the financial and economic impacts due to alleged intellectual property infringement. Assessed damages for patent infringement cases, including claims for lost profits, price erosion and reasonable royalty rates. Assessed royalty rates under reasonable and non-discriminatory license scenarios.

Advised clients on the value of their legal case for purposes of settlement negotiations and/or mediation. Participated in revising draft license agreements, and participated in settlements.

Analyses have related to a variety of industries and products including:

- Business software
- Electronic data transfer
- Educational toys
- Flash memory

- Food and beverages
- Gaming machines
- Light emitting diodes (and OLEDs)
- Liquid crystal displays
- Medical devices
- Networking systems
- Pharmaceutical Products
- Semiconductors
- Computer hardware and software
- Wireless devices

## **ANTITRUST**

Assessed damages associated with alleged antitrust activity and used economic methods to derive product and geographic antitrust market definitions.

Assessed antitrust counterclaims in patent infringement cases.

Conducted econometric analyses, benchmark analyses and raising rivals cost analyses to isolate damages from alleged antitrust violations.

Analyses have related to a variety of industries and products including:

- High pressure laminate
- Light Emitting Diodes
- Medical devices
- Semiconductors
- Specialty chemicals
- Vitamins

## **COMPLEX LITIGATION**

Offered opinions regarding damages in breach of contract cases and unfair business practices cases. Evaluated and derived damages figures associated with such cases.

Provided assistance in settlement negotiations regarding complex litigations and participated in mediation involving a breach of contract. Explained discrepancies between plaintiff's and defendant's numbers to mediator.

Provided valuations of tangible assets including values of contracts and values of real estate (hotels and restaurants).

Analyses have related to a variety of industries and products including:

- Automobile purchases and loans
- Meat products

- ERISA plans
- Real estate

## EDUCATION

Ph.D., Political Economy and Public Policy,  
University of Southern California, Los Angeles, 1999.

B.A., Pomona College, Claremont, 1993.

Certified Licensing Professional

## PAST POSITIONS

The CapAnalysis Group, LLC

Managing Principal, 2007 to April 2010

Senior Vice-President, 2005-2006

Vice-President, 2004

Senior Economist, 2003

Maxiam, LLC

Intellectual Asset Management

Senior Advisor 2003 to April 2010

LECG, LLC (Formerly, LECG, Inc. and Navigant Consulting)

Senior Managing Economist, 2003.

Managing Economist, 2001-2002.

Senior Economist, 1999-2000.

Econ One Research, Inc.

Economist, 1998-1999.

## PUBLICATIONS

- Co-author. "Getting Royalties on a Car By Reinventing the Wheel." *New Matter: Official Publication of The Intellectual Property Law Section of the State Bar of California*. Volume 31, No. 1. 2006. 12-15.
- Co-author. "Are Patents Really Options?" *les Nouvelles*. December 2003. 190-192.
- Author. "Book Review: Assessment and Management of Environmental Risks Cost-Efficient Methods," *Risk Analysis*. December 2003. 1207-1208.

## EXPERT EXPERIENCE

- **History of Expert Testimony Available Upon Request**