

# Northern District of California

## Damages Assessments Early in Case

IN JANUARY 2017, THE NORTHERN DISTRICT OF CALIFORNIA (NDCA) ENACTED REVISIONS TO THE PATENT LOCAL RULES WHICH REQUIRE THE EARLY IDENTIFICATION AND DISCLOSURE OF DAMAGES RELATED DISCOVERY AND CONTENTIONS (NDCA LOCAL RULES 3.8 AND 3.9).

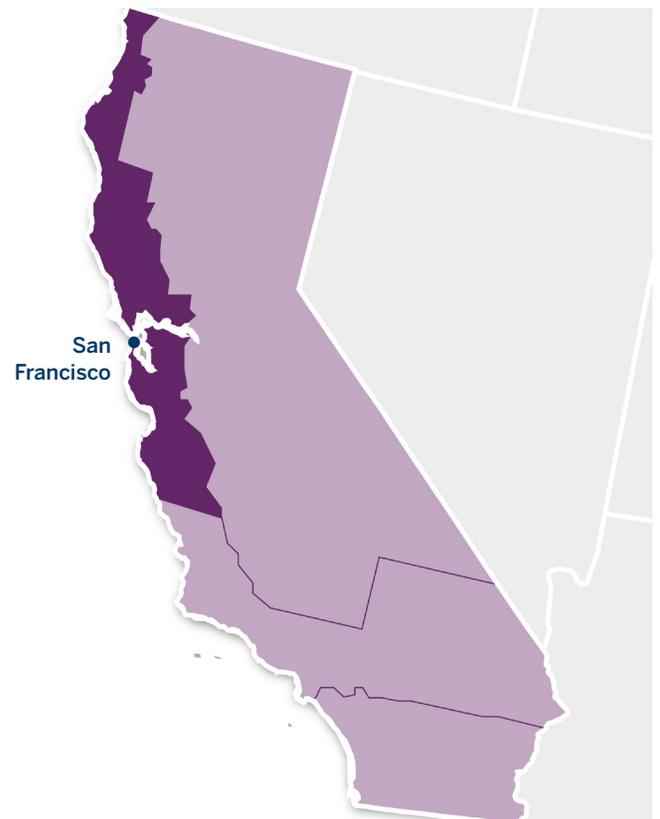
We expect many other courts to follow this NDCA action related to damages. Some courts may require mediation prior to damages related discovery. In an effort to designate a case “complex” and devote more of the courts resources, judges may ask for an early damages identification and assessment.

### SERVICE HIGHLIGHTS

-  Access to research databases and effective application of research tools.
-  Deep knowledge of damages case law and innovative and supportable damages approaches.
-  Broad based knowledge of license structure and terms across numerous industries.
-  Experienced team of industry experts.

With the real world experience our practicing professionals bring to your intellectual property damages case, we can guide you through an early damages identification and disclosure including identifying ranges of possible outcomes, industry-specific licensing insights and supportable damages approaches. In the absence of discovery, or in situations where little or no damages discovery has been completed, we use proven methodologies to analyze publicly available market and financial information to prepare damages assessments which can be used to meet the changing federal court system’s requirements as to the timing of assessing economic damages.

Our experienced researchers and research tools (including Bloomberg, Thompson One, MorningStar and ktMINE) bring to bear data that may be less than optimal at the beginning of a matter when compared with data stemming from more extensive damages discovery later in the case. Our experienced modelers can prepare a dynamic and reliable range of potential outcomes early on in your IP case.



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Our experienced licensing professionals have an industry based understanding of royalty rates that are used in practice across a broad range of industries. This is particularly useful when little or no damages discovery has been completed.

Our deep knowledge of damages case law across the different venues and judges allows us to advise our clients in a customized way of potential unsurmountable challenges in connection with certain damages approaches and put together a supportable assessment for the court. Using the specifics of your case, we can collaborate to identify innovative and supportable damages approaches early on. The advantages of responding to judges' orders for damages identification and assessments in a particular case include more effective and efficient identification of what information is needed from your client as well as a streamlined approach for discovery of the opposing parties' relevant damages information, resulting in a more supportable and credible damages report.

### FTI HAS BROAD EXPERIENCE IN THE FOLLOWING INDUSTRIES:



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Chemicals



Software



Consumer Products



Semiconductor



Electronics



Telecom



Retail



Satellite Communications



Media & Entertainment



Automotive



Social Media



Airline and Aircraft



eCommerce

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