



**DOUGLAS N. ELLIS, M.B.A., J.D.**



Mr. Ellis is a Forensic Consultant affiliated with Long International. He has over 18 years of litigation, financial and strategic consulting, and valuation experience, and specializes in commercial and intellectual property disputes. Mr. Ellis specializes in forensic accounting, cost determination, and financial analysis on construction and schedule delay matters, commercial litigation, intellectual property and asset matters, and energy-related matters. He has provided dispute support in well over 150 cases and has testified in federal and state court.

Mr. Ellis' industry experience includes aviation, biotechnology, construction, consumer goods, energy, financial services, manufacturing, medical devices, pharmaceuticals, retail, semiconductors, software, telecommunications, and transportation, among others.

**EDUCATION**

M.B.A., The Wharton School, University of Pennsylvania, Philadelphia, PA  
J.D., Washington University School of Law, St. Louis, MO  
B.S., Finance, Brigham Young University, Provo, UT

**PROFESSIONAL ASSOCIATIONS AND AFFILIATIONS**

Illinois Bar (inactive status)  
D.C. Bar (inactive status)  
Houston Intellectual Property Law Association (HIPLA)  
American Bar Association (ABA)  
Licensing Executives Society (LES)  
Eastern District of Texas Bench Bar Conference Planning Committee

**PROJECT EXPERIENCE**

- Neutral third-party expert with binding authority retained by both parties in settlement of a dispute involving minority shareholder ownership interests in privately held manufacturing and land holding companies.
- Analyzed breach of contract claims involving excess development costs in an affordable housing construction project.
- Analyzed breach of contract claims involving a subcontractor's failure to perform involving a power line construction project.
- Analyzed breach of contract damages related to the purchase of construction materials.
- Evaluated breach of contract damages related to a manufacturing agreement for energy shots.
- Examined lost profit damages in a matter involving rivet dispensing technology used in aircraft construction.
- Determined lost profits and loss of chance in a breach of contract and gross negligence arbitration related to an incident involving a faulty process gas heater at a direct-reduced iron plant.



- Analyzed lost profits and unjust enrichment in a matter involving construction technology used primarily in the airline industry.
- Evaluated the financial wherewithal of a voluntarily bankrupt power company seeking to reject a power contract.
- Traced historical business transactions and asset title in connection with claims of breach of contract, fraud and misappropriation of trade secrets related to gas centrifuge technology. Reviewed representations made by multiple business entities pertaining to ownership and existence of the gas centrifuge technology and determined whether indicia of fraud were present in such representations.
- Analyzed claims of fraud and breach of contract between a manufacturer and distributor of oil rig spill containment systems. Analyzed leasing terms and transactions with end customers for oil rig spill containment systems to determine distributor compliance with a dealership agreement and whether there were indicia of fraud.
- Developed a project execution plan for a large pipeline construction project. The plan included development of project controls and procedures and development of an audit plan to test project controls, procedures, and ongoing project costs.
- Determined damages associated with breach of contract and allegations of fraud, among others, in connection with a failed government project involving high-speed, high-power motor and generator technology used to perform tests on rotary engines for military helicopters.
- Determined general damages in a copyright infringement litigation related to simulation software used to plan and rehearse subsea construction projects.
- Evaluated remedies for trade secret misappropriation involving competitive technologies and strategic information related to voice over internet protocol products.
- Analyzed lost profit, reasonable royalty, and trade secret damages in a matter involving retractable syringe technology.
- Examined lost profits damages and unjust enrichment arising from the misappropriation of trade secrets involving a large software company.
- Reviewed trade secret damages, including lost profits, in a matter involving wellbore cleanout technology.
- Evaluated trade secret damages in a matter involving polycrystalline diamond inserts.
- Analyzed lost profits, loss of chance and curricular damages in a matter involving direct reduction iron technology.
- Updated a complex analysis with lost profits and reasonable royalty involving a patent directed to certain orthopedic devices.
- Analyzed damages associated with a large financing company's seizure of vehicle inventory from a dealership lot.
- Studied lost profits, price erosion and reasonable royalty damages involving patented aircraft engine technology.
- Evaluated lost profit and reasonable royalty damages in a matter involving a patent directed to float collars.
- Investigated whether the defendant's activities in an alleged commodities squeeze caused prices to increase. Analyzed the determinants of commodities spot prices.
- Investigated alleged securities fraud damages in a matter involving FDA approval of a new drug.



- Analyzed the stock price impact of reports by a prominent analyst.
- Studied the appropriate deference to give a client's instructions regarding the weight given to internet stocks in a private-banking account during 1999–2002.
- Evaluated broker liability for customer losses on a stock portfolio overweighted in technology stocks.
- Examined the effect on revenue at broker offices due to the departure of key personnel.
- Scrutinized damages arising from an alleged failure to perform in accordance with contractual obligations to license, for medical and therapeutic use, patented indications of a molecule.
- Analyzed patent infringement damages, including lost profits and reasonable royalties, in a matter involving canine dental treats.
- Analyzed patent infringement damages, including lost profits and reasonable royalties, in a matter involving cat treats.
- Studied patent infringement damages, including lost profits, in a matter involving medical devices used in certain spine surgeries.
- Analyzed patent infringement damages, including lost profits, in a matter involving bridge plugs and frac plugs.
- Studied patent infringement damages, including lost profits, in a matter involving wellhead isolation tools.
- Examined patent infringement damages, including lost profits, in a matter involving tubing-conveyed perforation technology.
- Reviewed patent infringement damages, including lost profits, in a matter involving centralizer subs.
- Evaluated lost profit and reasonable royalty damages in a matter involving a patent directed to vending machines.
- Analyzed trademark and trade dress damages, including lost profits, in a matter involving energy shots.
- Examined lost profits and reasonable royalty damages involving patents directed to specialized vending machines.
- Studied a reasonable royalty in a matter involving a patent directed to hematology controls.
- Analyzed reasonable royalty and prejudgment interest involving a patent directed to a device used in reconstructive surgery.
- Investigated reasonable royalty in a case involving the manufacture and distribution of nucleic acid probe-based products used for clinical diagnosis of human diseases.
- Scrutinized patent infringement damages in a matter involving optical networking components.
- Analyzed patent infringement damages in a matter involving gaming systems.
- Reviewed patent infringement damages in a matter involving media streaming.
- Evaluated patent infringement damages in a matter involving smartphone cameras.
- Analyzed patent and trademark infringement damages in a matter involving processes for making biofuel.
- Evaluated patent infringement damages in a matter involving GPS-related chipset products.
- Reviewed patent infringement damages in a matter involving medical software.
- Analyzed copyright infringement damages in a matter involving makeup.



- Evaluated patent infringement damages in a matter involving speech-enabled interactive voice response technology.
- Addressed certain secondary considerations, as well as plaintiff's claims of domestic industry, scope of exclusion order and appropriate amount of bond to be set during presidential review period in a Section 337 case involving certain products containing certain semiconductor chips.
- Analyzed patent infringement damages in a matter involving 802.11a, 802.11g and draft 802.11n wireless LANs.
- Valued a portfolio of patents and other assets relating to a bankrupt telecommunications company.
- Appraised a minority shareholder interest in an entity involved in directional drilling tools and equipment.
- Analyzed unfair competition damages related to test head manipulators.
- Valued a portfolio of patents relating to software security in connection with a potential sale transaction.
- Reviewed the effective royalty paid in a settlement involving a fully paid-up license to a portfolio of patents.
- Evaluated patent infringement damages in a matter involving drilling fluid capture and containment systems.
- Analyzed a royalty base in a matter involving a patent directed to motion-blur reduction technology in LCD displays.
- Analyzed reasonable royalty and prejudgment interest involving patents directed to sports equipment.
- Constructed a royalty calculation tool and evaluated a royalty audit.
- Calculated a put option share price and analyzed a private company's financial statements for proper reporting of various items in the context of a private investor's exercise of the option.
- Analyzed the substance and form of a series of swap transactions designed to repatriate cash and minimize U.S. tax consequences.
- Evaluated the accuracy and contribution of management disclosures in a failed telecom joint venture.
- Analyzed software revenue recognition issues in a case involving allegations of stock price manipulation driven by revenue disclosures.
- Reviewed whether the amount that a mutual fund invested in Enron common stock violated terms of the fund's prospectus.

#### TESTIMONY EXPERIENCE

- *T&C Devine, Ltd. and Thomas J. Devine v. Stericycle, Inc.*, Civil Case No. 4:19-cv-3124, United States District Court for the Southern District of Texas, Houston Division, 2021 (expert report, declaration).
- *Aspen Energy Partners, L.L.C. and RigMinder, Inc. v. Trinidad Design & Manuf. U.S., Inc. and Ensign Drilling, Inc.*, in the District Court of Harris County, Texas, 55<sup>th</sup> Judicial District, No. 2019-38586, 2021 (expert report).
- *Uniloc USA, Inc., and Uniloc Luxembourg, SA v. Apple Inc.*, Civil Action No. 5:19-cv-01692, United States District Court for the Northern District of California, San Jose Division, 2020 (expert report).
- *Texas Advanced Optoelectronic Solutions, Inc. v. Intersil Corporation*, Civil Action No. 4:08-CV-451, United States District Court for the Eastern District of Texas, 2020 (expert report).



- **Sprint Sand and Clay, LLC v. Nathan L. Salas, and WM Trucking & Excavating Inc.**, No. 17-DCV-240294, District Court of Fort Bend County, Texas, 400<sup>th</sup> Judicial District, 2020 (expert disclosure, deposition).
- **Aurora BioPharma, Inc. v. Baylor College of Medicine**, Case No. 2018-69220, District Court of Harris County, Texas, 333<sup>rd</sup> Judicial District, 2020 (expert report).
- **Deep Fix, LLC v. Marine Well Containment Co., LLC**, Civil Action No. 4:18-cv-948, United States District Court for the Southern District of Texas, Houston Division, 2019 (expert report).
- **Welch Consulting, Ltd. v. Robert B. Speakman**, AAA Case No. 01-16-0625, American Arbitration Association, Texas, 2019 (expert report, deposition).
- **The Wiremold Company v. Thomas & Betts Corp.**, Civil Action No. 3:16-cv-02133-VLB, United States District Court, District of Connecticut, 2019 (expert report, deposition).
- **HYL Technologies S.A. de C.V. v. Kinetics Technology S.p.A.**, ICC Case No. 21197/EMT/GR, International Chamber of Commerce, International Court of Arbitration, Milan, Italy, 2019 (expert report).
- **Endo Pharmaceuticals Inc. v. Lupin Atlantis Holdings SA and Lupin Inc.**, Civil Action No. 18-10952 (FLW) (TJB), United States District Court for the District of New Jersey, 2019 (expert report).
- **Schlumberger Technology Corp. v. BICO Drilling Tools, Inc.**, Civil Action No. 4:17-cv-3211, United States District Court for the Southern District of Texas, Houston Division, 2019 (expert report).
- **Michael Winot v. Johnny Mancuso, John Thompson, and Performance Motorsport Management, Ltd.**, Case No. CV38113, District of Milam County, Texas, 20<sup>th</sup> Judicial District, 2018 (expert report).
- **Syntel Sterling Best Shores Mauritius Ltd. and Syntel, Inc. v. The TriZetto Group, Inc. and Cognizant Technology Solutions Corp.**, Civil Action No. 1:15-cv-0211, United States District Court for the Southern District of New York, 2018 (expert report, rebuttal report).
- **Midway Hospitality, LP v. Movie Grill Concepts XXIX, LLC and Studio Movie Grill Holdings, LLC**, Case No. 2016-09242, in the District Court of Harris County, Texas, 133<sup>rd</sup> Judicial District, 2018 (expert disclosure).
- **ValvTechnologies, Inc. v. Cooper Valves, LLC, et al.**, Case No. 2016-67168, District of Harris County, Texas, 11<sup>th</sup> Judicial District, 2018 (expert report, affidavit).
- **Semcon IP, Inc. v. Huawei Device USA, Inc., et al.**, Civil Action No: 2:16-CV-00437, United States District Court for the Eastern District of Texas, Marshall Division, 2017 (expert report).
- **Godo Kaisha IP Bridge 1 v. Broadcom Limited, et al.**, Civil Action No: 2:16-CV-00134, United States District Court for the Eastern District of Texas, Marshall Division, 2017 (expert report, deposition).
- **Environmental Sales and Services, Inc. v. Katch Kan USA, LLC, Katch Kan Holdings USA, Inc., and Quinn Holthby**, ICC Case No. 21219/RD, International Chamber of Commerce, International Court of Arbitration, Houston, Texas, 2016 (expert report, arbitration).
- **Kevin Peter Ward v. EZPawn Florida, Inc.**, Case No. 6:15-cv-474-ORL-22DAB, United States District Court for the Middle District of Florida, Orlando Division, 2016 (expert report).
- **Axon Well Intervention Products, Inc. v. Charles Cline and Jason Oil & Gas Equipment, LLC**, Case No. 2012-74424, District Court of Harris County, Texas, 113<sup>th</sup> Judicial District, 2016 (trial).
- **Mars, Inc. v. True Science Holdings, LLC**, Civil Action No. 2:14-cv-477, United States District Court for the Eastern District of Virginia, Norfolk Division, 2016 (expert report).
- **Accent Packaging, Inc. v. Leggett & Platt, Inc.**, Civil Action No. 4:10-cv-01362, United States District Court for the Southern District of Texas, Houston Division, 2016 (expert report).



- **Katch Kan Holdings, Inc. v. Can-Ok Oil Field Svcs, Inc.**, Civil Action No. 3:14-cv-2172, United States District Court for the Southern District of Texas, Dallas Division, 2015 (expert report).
- **Neutron Depot, LLC v. Underground Elephant, Inc.**, Civil Action No. 4:14-cv-00998, United States District Court for the Southern District of Texas, Houston Division, 2015 (expert report).
- **Visual Intelligence LP v. Optech, Inc.**, Civil Action No. 4:13-cv-02612, United States District Court for the Southern District of Texas, Houston Division, 2015 (expert report).
- **Weatherford Int'l, LLC v. Blackhawk Specialty Tools, LLC**, Civil Action No. 4:14-cv-00455, United States District Court for the Southern District of Texas, Houston Division, 2015 (expert report).
- **Open Text S.A. v. Box, Inc.**, Case No. C 13-04910, United States District Court for the Northern District of California, San Jose Division, 2015 (declaration).
- **Ateliers de la Haute-Garonne and F2C2 Systems S.A.S. v. Broetje Automation-USA, Inc. and Broetje Automation GmbH**, Civil Action No. 09-598-LPS, United States District Court for the District of Delaware, 2014 (expert report, deposition, trial).
- **Abbie, LLC v. Hanes & Bartels, LLC**, Case No. 1:12-CV-00848-SS, United States District Court, Western District of Texas, Austin Division, 2013 (Mediation).
- **Tribocor Technologies, Inc. v. Gansam Rai and AirComp LLC**, Case No. 2009-58465, District Court of Harris County, Texas, 165th Judicial District, 2012 (expert report).
- **NuVasive, Inc. v. Globus Medical, Inc.**, Case No. 10-849-LPS, United States District Court for the District of Delaware, 2012 (expert report, deposition).
- **M-I LLC v. Stelly, et al.**, Civil Action No. 4:09-CV-01552, United States District Court for the Southern District of Texas, Houston Division, 2011 (expert report).
- **Coutinho & Ferrostaal, Inc. v. Concrete Reinforcements, Inc.**, No. 4:10-cv-638, United States District Court for the Southern District of Texas, Houston Division, 2011 (expert report).
- **POM Wonderful LLC v. Ocean Spray Cranberries, Inc. and Does 1-10**, Case No. CV09-00565 DDP (RZx), United States District Court for the Central District of California, 2010 (expert report).
- **Kirk D. Ford v. EG Systems, Inc. d/b/a Scotts Lawn Service**, No. 2009-41307, District Court of Harris County, Texas, 270th Judicial District, 2010 (expert report).
- **Widevine Technologies, Inc. v. Verimatrix, Inc.**, Case No. 2:07-cv-00321-TJW-CE, United States District Court for the Eastern District of Texas, Marshall Division, 2009 (declaration).
- **Retractable Technologies, Inc. v. Occupational & Medical Innovations, Ltd.**, Civil Action No. 6:08-cv-120, United States District Court for the Eastern District of Texas, Tyler Division, 2009 (expert report, trial).
- **Vianix Delaware LLC, v. Nuance Communications, Inc.**, Case No. 2:09CV141, United States District Court for the Eastern District of Virginia, Norfolk Division, 2009 (expert report).
- **Vianix Delaware LLC, v. Nuance Communications, Inc.**, Civil Action No. 3801-VCP, Court of Chancery of the State of Delaware, 2009 (expert report, deposition, trial).
- **Crane Co. and Dixie-Narco Inc., v. Sandenvendo America, Inc. and Royal Vendors, Inc.**, Civil Action No. 2:07-cv-42, United States District Court for the Eastern District of Texas, Marshall Division, 2009 (expert report).
- **Reid-Ashman Manufacturing, Inc. v. Swanson Semiconductor Service, LLC**, Civil Case No. 4:08-CV-221-A, United States District Court for the Northern District of Texas, Fort Worth Division, 2009 (expert report).



- ***Streck, Inc. v. Research & Diagnostic Systems, Inc. and Techne Corporation***, Case No. 8:06CV458, United States District Court for the District of Nebraska, 2009 (expert report).
- ***Positive Technologies, Inc. v. LG Display Co., Ltd., et al.***, Civil Action No. 2:07-CV-67-TJW, United States District Court for the Eastern District of Texas, Marshall Division, 2008 (expert report).

## **PROFESSIONAL EXPERIENCE**

### **Long International**

*Houston, Texas (February 2016 to Present)*

Mr. Ellis is a Forensic Consultant affiliated with Long International. He provides specialized forensic accounting, cost determination, and financial analysis capabilities on construction and schedule delay matters, commercial litigation, intellectual property and asset matters, and energy-related matters.

### **ASQ Consulting Group**

*Houston, Texas (2014 to Present)*

Positions held include: Managing Director and Disputes Practice Leader

### **Duff & Phelps**

*Houston, Texas (2008 to 2014)*

Positions held include: Managing Director (2014); Director (2008–2014)

### **Lumin Expert Group** (merged with Duff & Phelps)

*Houston, Texas (2008)*

Positions held include: Senior Managing Consultant

### **Analysis Group**

*Washington, D.C. (2003 to 2008)*

Positions held include: Manager

### **PricewaterhouseCoopers**

*St. Louis, Missouri (1998 to 2001)*

Positions held include: Senior Associate (2000–2001); Associate (1998–1999)

## **PUBLICATIONS AND SPEAKING ENGAGEMENTS**

Eastern District of Texas Bench Bar Conference, Session Panelist (2017, 2018, 2019).

CLE Presentation: “Inter Partes Review and Secondary Considerations,” Norton Rose Fulbright (2016).

CLE Presentation: “Intellectual Property Damages and Daubert,” McAndrews, Held & Malloy (2016).

CLE Presentation: “Intellectual Property Damages Update,” The Elliott Law Firm, (2015).



CLE Presentation: “A Discussion of Economic Damages and the Entire Market Value Rule,” Porter Hedges LLP (2013).

National Law Journal Houston Patent Litigation CLE Breakfast Panelist (2012).

CLE Presentation: “A Discussion of Economic Damages and the Entire Market Value Rule,” Fulbright & Jaworski LLP (2012).

“Annual Review of Intellectual Property Law Developments, 2011,” Intellectual Property Law Section of the American Bar Association, contributing author (2012).

“Annual Review of Intellectual Property Law Developments, 2010,” Intellectual Property Law Section of the American Bar Association, contributing author (2011).

“The Economic Implications (and Uncertainties) of Obtaining Permanent Injunctive Relief After eBay v. MercExchange,” *Federal Circuit Bar Journal*, Vol. 17, No. 4 (May 2008), with John Jarosz, Michael Chapman and L. Scott Oliver.

Contributed to a white paper analyzing the probability of failure and the risk of direct economic loss due to the possible failure of Fannie Mae (Federal National Mortgage Association), including a comparison of these risk measures to the same risk measures for large commercial banks and bank holding companies. See R. Glenn Hubbard, “The Relative Risk of Fannie Mae,” *Fannie Mae*, Volume III, Issue 3 (September 16, 2004).

Contributed to a white paper reviewing and assessing Fannie Mae’s management of liquidity risk. See R. Glenn Hubbard, “Evaluating Liquidity Risk Management at Fannie Mae,” *Fannie Mae*, Volume II, Issue 5 (November 6, 2003).