

Vincent A. Thomas, CPA/ABV/CFF, CVA

Senior Managing Director – Forensic & Litigation Consulting

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CERTIFICATIONS

Certified Public Accountant

Certified Valuation Analyst

Accredited in Business

Valuation

Certified in Financial Forensics

PROFESSIONAL AFFILIATIONS

AICPA

American Society of Appraisers

National Association of Certified

Valuation Analysts

EDUCATION

B.A., Economics, *Cum Laude*,

DePauw University

M.B.A, Finance, Indiana

University

Vince Thomas is a Senior Managing Director at FTI Consulting and is based in Chicago. He is the Co-Leader the FTI Consulting U.S. Intellectual Property practice. Prior to joining FTI Consulting, Mr. Thomas was a Partner with KPMG. He has more than 25 years of experience assisting companies and clients with complex accounting, corporate finance and litigation issues and focuses on the preparation of sophisticated valuation analysis and the assessment of damages in various types of commercial disputes.

Mr. Thomas specializes in matters involving various types of intellectual property including patents, trade secrets, trademarks and copyrights. In that regard, Mr. Thomas has analyzed economic and financial issues in hundreds of disputes and has provided expert testimony in state and federal courts across the country as well the International Trade commission. Such testimony has focused on valuation and damages issues in several industries including computer technology, electronics, telecommunications, retail, manufacturing and life sciences.

Mr. Thomas has also conducted seminars to various groups across the country and has participated in various panel discussions on topics involving economic damages, valuation methods and techniques for increasing shareholder value. He has also published articles on valuation and damage issues, co-authored a book on economic damages and served as a guest lecturer to forensic accounting students at Indiana University.

Mr. Thomas is a Certified Public Accountant (“CPA”) and Certified in Financial Forensics (“CFF”) and has obtained the valuation credentials of Certified Valuation Analyst (“CVA”) and Accredited in Business Valuation (“ABV”). He has utilized the experience and education he has gained in obtaining those credentials in valuing businesses and various types of intellectual property for both litigation and transactional purposes.

In addition to serving as a consultant and testifying expert, Mr. Thomas also has significant experience in corporate, financial, and accounting management positions, including Analyst, Controller, Director of Credit and Collections and Chief Financial Officer. In those roles, Mr. Thomas was responsible for developing the strategic focus and direction for all areas of both a high-tech start-up company as well as a large distributor of wine and spirits. This included raising capital, implementing information technology systems, managing the budgeting and forecasting process, preparing financial statements, managing cash flow, maintaining legal and banking relationships, developing incentive pay systems and managing an intellectual property portfolio.

Publications/Seminars

- “Daubert in Cross Examination”, American Conference Institute, December 2013
- “Pocket MBA: Finance for Lawyers”, *Practicing Law Institute*, September 2010
- Panelist – Defense Trial Counsel of Indiana Business Valuation Seminar, September 2009
- Panelist – The John Marshall School of Law Center for Intellectual Property 52nd Annual Intellectual Property Law Conference – “Recent Developments in Patent, Trademark, Copyright & Trade Secret Law”, February 2008
- Co-Author – “Economic Damages in Intellectual Property: A Hands-On Guide to Litigation”, *John Wiley & Sons*, 2006
- “Patenting Business Methods and Potential Damages”, Wisconsin Intellectual Property Association, December 2006
- “Calculating Damages in Commercial Litigation”, Presenter at Cleveland Bar Association, June 2003
- “Using Your IP to Increase Shareholder Value”, Presenter at Indiana Chamber of Commerce Forum, April 2002
- “The Last 20 Years of Patent and Trademark Damages: A Litigation Evolution”, Presenter at the Midwestern Intellectual Property Symposium (sponsored by the Indiana Continuing Legal Education Forum), September 2001
- “Calculating Damages in Complex Litigation” - Presenter at Ohio Association of Civil Trial Attorneys Meeting, April 2000
- “Business Valuation Issues in Litigation” - Presenter at Indiana Continuing Legal Education Forum, April 2000
- “Damage Analysis–Determining Lost Revenues and Daubert Considerations” – published article in *The Indiana Lawyer*, 2000
- “Forensic Accounting” – Guest lecturer at Indiana University, 2002, 2003

Expert Testimony

- *Tela Corporation v Nokia, Inc., HTC Corporation, HTC America, Motorola Mobility LLC, LG Electronics, Inc., LG Electronics U.S.A., LG Electronics MobileComm U.S.A., Pantech Co., Ltd.*, Investigation No. 337-TA-873, U.S. International Trade Commission (Deposition)
- *Eastman Kodak Company v Ricoh Company Ltd.*, Cause No. 12-CV-3109, U.S. District Court for the Southern District of New York (Deposition)
- *State of Louisiana v. Par Pharmaceutical Companies, Inc. et al.*, Cause No. 596164, State of Louisiana Parish of East Baton Rouge, 19th Judicial District
- *The People for the State of Illinois v. Par Pharmaceutical Companies, Inc. et al.*, Case No. 05 CH 2474, Circuit Court of Cook County, Illinois, County Department, Chancery Division
- *Interactive Marketing, L.L.C. v. Amway Corp. et al.*, Arbitration, Wichita, KS (Deposition and Trial)
- *Baker Hughes Incorporated v. National Oil Well Varco et al.*, Arbitration, Houston, TX (Trial)
- *Eastman Kodak Company v. Kyocera Corporation*, C.A. No. 10-CV-6334-CJS-MWP, U.S. District Court for the Western District of New York (Deposition)
- *Generac Power Systems, Inc. v. Kohler Company*, C.A. No. CV 2:11-cv-1120, U.S. District Court for the Eastern District of Wisconsin (Deposition and Trial)
- *Amway Corp. and Amway Canada Corporation v. bHIP Global, Inc. et al.*, C.A. No. 4:10-CV-549, U.S. District Court for the Eastern District of Texas Sherman Division (Deposition and Trial)
- *Patent Harbor, LLC v. Funai Corporation, Inc. et al.*, C.A. No. 6:10-CV-00361 LED, U.S. District Court for the Eastern District of Texas Tyler Division (Deposition and Trial)
- *Millennium Import, LLC v. Reed Smith, LLP et al.*, Index No. 603350-07, Supreme Court of the State of New York, County of New York (Deposition)

- *X2Y Attenuators, Inc. v. Intel Corp., Apple, Inc., Hewlett Packard Co.*, Investigation No. 337-TA-781, U.S. International Trade Commission (Deposition and Trial)
- *CDW LLC, et al. v. Netech Corporation*, Case No. 1:10-cv-0530-SEB DML, U.S. District Court for the Southern District of Indiana (Deposition)
- *Gore Enterprise Holdings, Inc. v. Medtronic, Inc.*, No. 10-cv-004441-MSD-DEM, U.S. District Court for the Eastern District of Virginia (Deposition and Trial)
- *Genentech, Inc. v. GlaxoSmithKline, LLC*, C.A. No. CV 10-02764 MRP (FMOx), U.S. District Court for the Central District of California (Deposition)
- *The Lincoln Electric Company, et al. v. National Standard, LLC*, 1:09-cv-018886-DCN, U.S. District Court for the Northern District of Ohio (Deposition)
- *Remy, Inc. v. Tecnomatic S.P.A.*, 1:08-cv-1227-SEB-JMS, U.S. District Court for the Southern District of Indiana (Deposition)
- *Sleep Science Partners, Inc. v. Sleeping Well, LLC*, Civil Action No. CV09-4200CW, U.S. District Court for the Northern District of California (Deposition)
- *Stoughton Trailers, Inc. v. Great Dane Limited Partnership*, Case No. 3:09-cv-00570-slc, U.S. District Court for the Western District of Wisconsin (Deposition and Trial)
- *Nokia Corporation v. Apple, Inc.*, Investigation 337-TA-701, U.S. International Trade Commission (Deposition and Trial)
- *Thomson Inc. v. Gemstar-TV Guide International, Inc., et al.*, Cause No. 29D02-0808-PL-001004, State of Indiana, Hamilton County Superior Court (Deposition)
- *Centillion Data Systems, LLC v. Qwest Corporation*, Case No. 1:04 CV-00073-LJM-WTL, U.S. District Court for the Southern District of Indiana (Deposition)
- *Ronald A. Katz Technology Licensing, L.P. v. Fifth Third Bancorp, et al.*, 07-ML-01816-C-RGK (FFMx), U.S. District Court for the Central District of California (Deposition)
- *Zenith Electronics Corp. v. PDI Communication Systems, Inc.*, Civil Action No. 04 CV 4796, U.S. District Court for the Northern District of Illinois (Deposition)
- *Thomson, Inc. v. Praxair, Inc., et al.*, Case No. 2005 CI 123, Court of Common Pleas; Pickaway County, Ohio (Deposition and Trial)
- *Centocor Ortho-Biotech, Inc. v. Genentech and City of Hope*, C.A. No. CV 08-03573 MRP (CTX), U.S. District Court for the Central District of California (Deposition)
- *Shareholders of Transkaryotic Therapies v. Shire Pharmaceuticals*, Consolidated C.A. No. 2776 – CC, Court of Chancery of the State of Delaware (Deposition)
- *State of Texas and Ven-A-Care, Inc. v. Par Pharmaceutical, et al.*, Cause No. D-1-GV-08-001566, District Court of Travis County, Texas (Deposition)
- *Dey, Inc., et al v. Sepracor, Inc.*, C.A. No. 07-cv-2353, U.S. District Court for the Southern District of New York (Deposition)
- *Commonwealth of Kentucky v. Par Pharmaceutical, et al.*, Civil Action No. 04-CI-1487, Commonwealth of Kentucky, Franklin Circuit Court (Deposition)
- *The State of Alabama v. Par Pharmaceutical, et al.*, 05cv219, Circuit Court of Montgomery County, Alabama (Deposition)

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- *Valdemar Portney v. CIBA Vision Corporation*, SACV 07-854-AG (MLGx), U.S. District Court for the Central District of California (Deposition)
- *Medtronic Sofamor Danek USA, Inc. v. Globus Medical, Inc.*, U.S. District Court for the Eastern District of Pennsylvania (Deposition and Trial)
- *Boston Scientific v. Conor Medsystems, Inc. and Cordis Corporation*, 1:10-cv-00315-SLR, U.S. District Court for the District of Delaware (Deposition)
- *Spectralytics, Inc. v. Cordis Corporation and Norman Noble, Inc.*, Civil Action No. 05-1464 (PJS/RLE), U.S. District Court for the District of Minnesota (Deposition and Trial)
- *Brike International v. Invacare Corporation*, Civil Action No. 05-CV-1754-KI, U.S. District Court for the District of Oregon (Deposition)
- *Boston Scientific Corporation, Boston Scientific Sci-Med, Inc. v. Cordis Corporation*, Civil Action No. 10-315-SLR-LPS, U.S. District Court for the District of Delaware (Deposition and Trial)
- *Advanced Stent Technologies, Inc. v. Boston Scientific Corporation*, Case No. 65-180-Y-00290-08; 65-489-292-08, American Arbitration Association (New York, NY) (Deposition)
- *Meritor Heavy Vehicle Systems, LLC v. Ikerd's, Inc. and Pentaflex, Inc.*, Case No.: IP02-1095-C-M/S, State of Indiana in the County of Lawrence, Lawrence Superior Court (Deposition)
- *Jeff Koehlinger, et al. v. The State Lottery Commission of Indiana*, Cause No. 49COI-0701-CT-730, State of Indiana in the County of Marion, Marion Superior Court (Deposition)
- *Molten Metal Equipment Innovations v. Pyrotek, Inc.*, Arbitration, American Arbitration Association (Cleveland, OH) (Deposition and Trial)
- *Quixtar, Inc. v. TEAM, Inc.*, Arbitration, American Arbitration Association (Detroit, MI) (Deposition and Trial)
- *Amway, Inc. v. MonaVie LLC*, 2:08-cv-00204-BSJ (consolidated 2:08-cv-209 DB), U.S. District Court for the District of Utah (Deposition and Trial)
- *High Voltage Beverages, LLC v. The Coca-Cola Company*, Civil Action No. 3:08-CV-367-GCM-DLH, U.S. District Court for the Western District of North Carolina (Deposition)
- *Westridge Estates, LLC v. The Town of Plainfield*, Cause No: 32D01-0603-PL-15, State of Indiana in the County of Hendricks, Hendricks Superior Court (Deposition and Trial)
- *Construction Crane & Tractor, Inc. v. Wirtgen America, Inc.*, Cause No.: 07-215/-I, Chancery Court of Davidson County, Tennessee (Deposition and Trial)
- *Joovy LLC and Albert T. Fairclough v. Baby Trend, Inc. and Target Corporation*, Case no. 3:06-CV-0616(P), U.S. District Court for the Northern District of Texas (Deposition)
- *Agilysys, Inc. v. Keith Gordon, Michael W. Malone and Bryan Krohn*, Case No: 1:06CV1665, U.S. District Court for the Northern District of Ohio (Deposition and Trial)
- *Quixtar, Inc. v. Orrin Woodward, et al.*, Arbitration, American Arbitration Association (Detroit, MI) (Deposition and Trial)
- *Stewart & Associates, Inc., et al. v. Quixtar, Inc.*, Arbitration, American Arbitration Association, Washington, D.C. (Deposition and Trial)
- *Sofpool LLC v. Intex Recreation Corp*, Case No. 2:07-CV-097, U.S. District Court for the Eastern District of Texas (Deposition and Trial)
- *Carpenters Pension Trust Fund-Detroit & Vicinity v. Capri Capital LLC et al.*, Case No: 06-7039-CK, State of Michigan, Crawford County Superior Court (Deposition and Trial)

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- *Pergo, Inc. v. Alloc, Inc., Armstrong World Industries and Berry Finance*, Civil Action No: 02-CV-0736V, U.S. District Court for the Eastern District of Wisconsin (Deposition and Trial)
- *Murata Manufacturing Company, Inc. v. Bel Fuse, Inc.*, 03 C 2934, U.S. District Court for the Northern District of Illinois (Deposition)
- *Wyers Product Group, Inc. v. Masterlock Company*, Civil Action No. 1:06-cv-00619-LBT, U.S. District Court for the District of Colorado (Deposition and Trial)
- *Dalia Genger v. Arie Genger*, Arbitration, American Arbitration Association (New York, NY) (Deposition and Trial)
- *Joel Goldman v. Healthcare Management Systems, Inc. and Thomas E. Givens*, Civil No: 1:05CV0035, U.S. District Court for the Western District of Michigan (Deposition)
- *CoalCo Corporation, et al. v. Headwaters, Inc.*, Civil No. 1:09-CV-10195-WGY, U.S. District Court for the District of Massachusetts (Deposition and Trial)
- *Philip Boynton et al. v. Headwaters, Inc.*, Case No. 1-02-1111, U.S. District Court for the Western District of Tennessee (Deposition and Trial)
- *Scienton Technologies et al. v Computer Associates International, Inc.*, CV 04 2652, U.S. District Court for the Eastern District of New York (Deposition)
- *Levi Strauss North America v Spiece Sales Company*, 85C01-1110-CC-829, State of Indiana In The Wabash Circuit Court (Deposition and Trial)
- *Newport Corporation v Lighthouse Photonics, Inc.*, C.A. No. 8:12-cv-00719, U.S. District Court for the Central District of California (Deposition)
- *Hoyt A. Fleming v Escort, Inc.*, No. 1:09-CV-00105-BLW, U.S. District Court for the District of Idaho (Trial)
- *Pharmathene, Inc. v SIGA Technologies, Inc.*, C.A. No. 2627-VCP, Court of Chancery in the State of Delaware (Deposition and Trial)
- *State of Indiana v. International Business Machines, Inc.*, Cause No. 49D10-1005-PL-021451, State of Indiana in the County of Marion, Marion Superior Court (Deposition and Trial)
- *ViiV Healthcare Company and Vertex Pharmaceuticals, Inc. v. Mylan Inc. and Mylan Pharmaceuticals, Inc.*, No. 1:12-cv-01065-UNA (Deposition)
- *Formax, Inc. v. Alkar-Rapidpak-MP Equipment, Inc. and Tomahawk Manufacturing, Inc.*, C.A. No. 81:11-CV-298-WCG (Deposition)