



David Kennedy

Senior Managing Director at [Ocean Tomo LLC, a part of J.S. Held](#)

Ranked in United States and Canada: Expert witnesses

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IAM Research

UNITED STATES AND CANADA: EXPERT WITNESSES



The Patent 1000 focuses exclusively on patent practice and has firmly established itself as the definitive 'go-to' resource for those seeking world-class legal patent expertise.

RECOMMENDED

Netlist EX2082
Samsung v. Netlist
IPR2025-01431



Recommended - Economic experts

Ocean Tomo, a part of JS Held, is “a recognised leader in IP damage expert engagements for patent, trademark, trade secret and false advertising matters”, and is trusted by many for insight into IP valuation, both in and out of the courtroom. With more than 25 years of experience, **Bryan Van Uden** is well positioned to offer expert opinions, through testimony and advice, on the value of intellectual property and the economic issues resulting from its exploitation or infringement. Also with decades of experience are **Daniel Lindsay** and **Todd Schoettelkotte**. Lindsay has testified for and advised on IP issues related to a wide array of industries and his talents extend to advising on patent licensing agreements. Schoettelkotte is revered as “a highly effective damages expert in patent cases. He is a quick study and a compelling presence on the stand.” “A very experienced and capable damages expert”, **Brian Napper** boasts extensive experience as a testifier in precedential cases on patent damages as well as a keen knowledge of current developments in the field. **Joanne Johnson**, **Shelly Irvine** and industry stalwart **Shirley Webster** come highly recommended by clients: “Joanne has a brilliant economic mind and has been instrumental in helping us formulate damages strategies, implementing those strategies into expert reports and assisting us at trial or before trial to achieve good settlements.” “Shelly worked tirelessly to draft a robust rebuttal damages report on behalf of the defendant, accused infringer. She has a strong knowledge of patent damages law and was a very helpful resource in preparing to depose the plaintiff’s damages expert.” “Shirley is a consummate professional and is well suited for high-stakes, bet-the-company IP matters. She is well versed in economic principles of IP damage modelling, does her background work carefully and independently, and comes to well-reasoned and well-supported conclusions. As a testifying expert she is unflappable, and she holds up exceedingly well to cross-examination based on superior intellect and careful application of recognised methodology.” **David Kennedy** and **Larry Tedesco** add more talent to the team. Kennedy is praised as “one of the premier damages experts in IP cases in the United States. He is a solid and sought-after patent infringement damages expert. His results speak for themselves – tremendous.” Tedesco also comes highly commended by clientele: “We routinely need patent valuation experts like Larry to assess appropriate royalties for various types of patents. He is experienced, diligent, skilled and compelling in various valuation analyses.”

David Kennedy's Profile

David Kennedy is an expert in intellectual property (IP) valuation, analysis of claims for infringement damages and negotiating the economics of patent sales and licensing agreements. His experience includes determining reasonable royalty rates, negotiating patent sales and license agreements and performing patent portfolio valuations. He has also managed IP holding companies, raised venture capital for IP-based companies and provided strategic advice to companies and universities related to patent portfolio divestitures.

Over his thirty-year career, Mr Kennedy has:

- negotiated over 200 IP-related transactions
- performed patent portfolio valuations for investor groups, large public companies and patent holding companies
- provided forensic consulting services in litigation matters and testified as an expert witness regarding patent values, royalty rates, lost profits, breach of contract and other forms of economic damages in over 50 litigation and international arbitration proceedings
- assisted companies and universities in the design and implementation of IP commercialisation and licensing strategies
- been recognised by Intellectual Asset Management as one of the world's leading IP strategists for each of the past 11 years

Mr Kennedy's professional experience started in 1985 as a Certified Public Accountant for Coopers & Lybrand (now PriceWaterhouseCoopers). He has been recognised as an intellectual property, licensing and damages expert by the US Department of Justice, US Court of Federal Claims, US district courts and in ICC international arbitration proceedings.

Firm Profile

The intellectual property (IP) financial services and patent-focused technical expertise of Ocean Tomo, combined with J.S. Held's scientific and engineering expertise, presents an industry-leading foundation for addressing tangible and intangible assets across 150+ technology sectors.

By integrating expertise across the firm, we provide expert opinion, management consulting, advisory, and specialty services related to intellectual property and other intangible assets, corporate financial investigations, regulatory and reporting obligations, solvency and restructuring, and contractual or competition disputes.

Practice offerings address economic damage calculations and testimony, business licensing strategy and contract interpretation, trade secret reasonable measures, asset and business

valuation, strategy and risk management consulting, merger and acquisition advisory, debt and equity private placement, and IP brokerage.

Our professionals serve as trusted advisors to organizations facing high-stakes matters demanding urgent attention, staunch integrity, proven experience, clear-cut analysis, and an understanding of tangible and intangible assets. The firm provides a comprehensive suite of services, products, and data that enable clients to navigate complex, contentious, and often catastrophic situations. More than 1500 professionals serve organizations across six continents, including 81% of the Global 200 Law Firms, 70% of the Forbes Top 20 Insurance Companies, and 65% of the Fortune 100 Companies.

Eight experts have been selected for the IAM Patent 1000, including Shelly Irvine, Joanne Johnson, Daniel Lindsay, Michael Milani, Brian Napper, Todd Schoettelkotte, Bryan Van Uden, and Shirley Webster.

Featured Engagements

The Federal Court of Australia recently published its judgement in PepsiCo, Inc. v. Commissioner of Taxation [2023] FCA 1490. Jim Malackowski from the Intellectual Property Practice was engaged as an expert witness by Australian law firm MinterEllison on behalf of the Commissioner of Taxation who was successful in the proceedings. This decision confirms PepsiCo, Inc. is liable for royalty withholding tax and, in the alternative, diverted profits tax would apply. This is the first time a court has considered the diverted profits tax – a new law which aims to prevent the diversion of profits offshore.

HID Global Corp, through outside counsel, retained Todd Schoettelkotte to assess the economic damages in the matter HID Global Corp v Vector Flow, Inc., heard in the U.S. District Court for the District of Delaware. Following the determination that Vector Flow, the company's president, vice president and engineering vice president willfully misappropriated two trade secrets and infringed the patent in suit, the jury awarded \$45 million for the two claims. The award was nearly the exact amount Todd Schoettelkotte attested to at trial. The trial team for Ocean Tomo, a part of J.S. Held included Earl Fairbanks, Maliha Zuberi, and Haley Schoettelkotte.

In patent litigation between two well-known companies in the 3D printing industry, Ocean Tomo, a part of J.S. Held economic expert Todd Schoettelkotte and the trial team of Earl Fairbanks and Haley Schoettelkotte were retained by counsel for Continuous Composites, Inc. to assess the economic damages. The matter Continuous Composites Inc. v Markforged Inc. was heard in the U.S. District Court for the District of Delaware, where the jury returned a verdict for the plaintiff related to infringement of the '660 patent, awarding \$17.34 million in monetary damages for sales of infringing 3D printing machines.

A Virginia state court ordered Pegasystems to pay Appian \$2.036 billion for the misappropriation of Appian's trade secrets. The award was based on the profits Pegasystems

realized from incorporating Appian's trade secrets into its own platform. Appian retained Ocean Tomo, a part of J.S. Held to quantify the measures of potential recovery, including both lost profit and profit disgorgement. The Ocean Tomo trial team included James Malackowski, Robert McSorley, and Frank Vido.

In the U.S. District Court for the Eastern District of Michigan, Managing Director Alexander Clemons testified at trial on behalf of Plaintiff Auto Konnect in a breach of contract matter involving the taking of its 38-employee field force by Defendant BMW of North America. The jury rejected BMW's damages analysis and instead awarded Auto Konnect over \$3 million in damages, based on Mr. Clemons' calculations.