

Curriculum Vitae

DAVID A. KENNEDY, CPA

J.S. Held, LLC

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Mr. Kennedy is an expert in intellectual property valuation and negotiating the economics of patent sales and licensing agreements. He has been acknowledged as one of the *World's Leading IP Strategist* by Intellectual Asset Management for each of the last 12 years.

Mr. Kennedy has bought and sold patent portfolios and negotiated license agreements in commercial transactions and helped clients establish royalty rates for individual patents and large portfolios of implementation and standard essential patents. Additionally, he has provided forensic consulting services in litigation matters and has testified as an expert witness in numerous matters involving patents, copyrights, and trade secrets covering a wide variety of technologies and technical benefits. Mr. Kennedy has testified as a patent licensing and reasonable royalty expert in ICC International Arbitration proceedings and federal courts – including opining on royalty rates for standard essential patents, implementation patents, and US and worldwide portfolio rates.

His intellectual property experience includes:

- 40 years as a CPA, auditor and accounting consultant for corporations, financial institutions, government agencies, and law firms performing audits, litigation support, IP and asset valuation, IP management, and forensic accounting services
- Serving as the primary negotiator or advisor in over 200 IP related negotiations as both an owner of IP or on behalf of companies, universities, and inventors including patent sales, license agreements, and cross license agreements
- Review and analysis of thousands of patent license agreements to determine effective royalty rates and evaluate specific aspects of the license negotiation process to determine comparable licenses for litigation and negotiation purposes

Mr. Kennedy's professional experience started over 35 years ago as a CPA for Coopers & Lybrand (now PriceWaterhouseCoopers). His experience includes investing in and raising venture capital for intellectual property-based companies and negotiating the economics of patent sales. He has also purchased patent portfolios and implemented licensing programs as an owner and manager of the patents and on behalf of investor groups, inventors and corporations including the determination of appropriate royalty rates in the marketplace.

EDUCATION

Bachelor of Business Administration, major in Accounting,

University of Georgia, 1985

PROFESSIONAL AFFILIATIONS

Certified Public Accountant in Georgia

American Institute of Certified Public Accountants

POSITIONS HELD

J.S. HELD, LLC Senior Managing Director <i>assist IP owners involved in complex transactions and or arbitration and or litigation</i>	<i>present</i>
BERKELEY RESEARCH GROUP, LLC Managing Director <i>assist IP owners involved in complex transactions and or arbitration and or litigation</i>	2013-2024
U.S. ETHERNET INNOVATIONS, LLC, Tyler, TX Chief Executive Officer <i>acquired and managed 3Com's portfolio of Ethernet patents</i>	2009-2013
ALSET IP MANAGEMENT L.P., New York, NY <i>valued royalty streams of corporations and universities</i>	2005- 2009
INTELLECTUAL PROPERTY ASSET CORPORATION (IPAC), Atlanta, GA Founder, President and CEO <i>assisted companies and universities evaluate and execute patent commercialization strategies</i>	2003-2005
INTECAP, INC., Atlanta, GA (acquired by CRA International) Founder, Board Member and Managing Director <i>largest privately held IP consultancy until sale to CRA</i>	1998-2003
PETERSON WORLDWIDE LLC (acquired by Navigant Consulting), Atlanta, GA Vice President <i>head of IP Transactions and Licensing Practice</i>	1992-1998
COOPERS & LYBRAND, Atlanta, GA Manager of Litigation Services and General Practice Auditor	1985-1992

TESTIMONY DELIVERED

Prince Lobel Tye LLP v. Singular Computing LLC, March 2026 – Deposition, May 2026 – Arbitration
American Arbitration Association

ParTec AG and BF EXAQC AG v. Microsoft Corporation, March 2026 – Deposition
United States District Court for the Eastern District of Texas

DivX, LLC v. Netflix, Inc, September 2025 – Deposition, March 2026 – Trial
United States District Court for the Central District of California

Stratasys, Inc. v. Shenzhen Touzhu Technology Co., Ltd., et al., February 2026 – Deposition
United States District Court for the Eastern District of Texas

Optis Wireless Technology, et al. v. Apple, Inc., February 2026 – Re-Trial
United States District Court for the Eastern District of Texas

Smith Interface Technologies v. Apple Inc, February 2026 – Deposition,
United States District Court for the Southern District of California

Pictiva Displays International v. Samsung Electronics Co. LTD et al, May 2025 – Deposition,
October 2025 – Trial
United States District Court for the Eastern District of Texas

Monterey Research LLC v. Renesas Electronics Corporation and Denso Corporation, October 2025 –
Deposition
United States District Court for the Eastern District of Texas

DivX, LLC v. Netflix, Inc, September 2025 – Deposition
United States District Court for the Central District of California

Celerity IP, LLC v. AT&T, T-Mobile and Verizon et al, September 2025 – Deposition
United States District Court for the Eastern District of Texas

Attentive Mobile Inc. v. Stodge Inc. d/b/a PostScript, December 2024, April 2025 – Deposition,
August 2025 – Trial
United States District Court for the District of Delaware

Smart RF v. AT&T, T-Mobile and Verizon et al, August 2025 – Deposition
United States District Court for the Eastern District of Texas

Applied Materials, Inc. v. **Demaray LLC**, July 2025 – Deposition
United States District Court for the Northern District of California

Pegasus Wireless Innovations LLC v. AT&T, T-Mobile and Verizon et al, May 2025 – Deposition

United States District Court for the Eastern District of Texas

General Access Solutions, Ltd v. T-Mobile US Inc. et al, November 2024 – Deposition, April 2025 – Trial
United States District Court for the Eastern District of Texas

Inform Inc. v. Google LLC, March 2025 – Deposition
United States District Court for the Southern District of New York

Headwater Research LLC v. Samsung Electronics, May 2024 – Deposition, January 2025 – Trial
United States District Court for the Eastern District of Texas

Active Wireless Technologies LLC v. T-Mobile USA, Inc. et al, December 2024- Deposition
United States District Court for the Eastern District of Texas

General Access Solutions, Ltd. v. Verizon Communications, Inc. et al, March 2024 – Deposition, June 2024 – Trial
United States District Court for the Eastern District of Texas

Netlist Inc. v. Micron, December 2023 – Deposition, May 2024 – Trial
United States District Court for the Eastern District of Texas

IPA v. Microsoft, November 2023 – Deposition, April 2024 – Trial
United States District Court for the District of Delaware

Gesture Technology Partners v. Motorola Mobility, April 2024 – Deposition
United States District Court for the Northern District of Illinois, Eastern Division

Netlist Inc. v. Samsung Electronics, January 2024 – Deposition
United States District Court for the Eastern District of Texas

WSOU Investments, LLC v. **Salesforce.com, Inc.**, December 2023 – Deposition
United States District Court for the Western District of Texas

EcoFactor v. Ecobee, July 2023 – Deposition
United States District Court of Delaware and United States District Court of Western Texas

Metacluster LT, UAB v. Bright Data LTD., July 2023 – Deposition
United States District Court for the Eastern District of Texas

Arigna Technology Limited v. Apple Inc., June 2023 – Deposition
United States District Court for the Western District of Texas

EcoFactor v. Ecobee, December 2022 – Deposition – June 2023 – Trial
United States District Court for the Western District of Texas

Broadband iTV, Inc v. **Orrick Herrington & Sutcliffe, LLP**, April 2023 – Deposition

Superior Court of the State of California

WSOU Investments, LLC v. **Salesforce, Inc.**, April 2023 – Deposition
United States District Court for the Western District of Texas

Netlist Inc. v. Samsung Electronics, February 2023 – Deposition, April 2023 – Trial
United States District Court for the Eastern District of Texas

4DD Holdings, LLC v. **United States of America**, February 2021 – Deposition, November 2022 – Trial
United States Court of Federal Claims

Rothschild Connected Devices Innovations v. The Coca-Cola Company, September 2022 – Deposition
United States District Court for the Northern District of Georgia

InterDigital v. Lenovo, September 2022 – Deposition
United States District Court for the District of Delaware

Bitmanagement Software GMBH v. **United States of America**, June 2022 – Trial
United States Court of Federal Claims

United Services Automobile Association v. PNC Bank (Civil Action No. 2:21-cv-0246-JRG), June 2022 – Deposition
United States District Court for the Eastern District of Texas

United Services Automobile Association v. PNC Bank, December 2021 – Deposition, May 2022 – Trial
United States District Court for the Eastern District of Texas

Koss v. Apple, May 2022 – Deposition
United States District Court for the Western District of Texas

EcoFactor v. Google, February 2022 – Deposition & Trial
United States District Court for the Western District of Texas

KAIFI v. Verizon, December 2021 – Deposition
United States District Court for the Eastern District of Texas

Gesture Technology Partners v. Samsung Electronics, November 2021 – Deposition
United States District Court for the Eastern District of Texas

EcoFactor v. Ecobee, November 2021 – Deposition
United States District Court for the Western District of Texas

EcoFactor v. Vivint, November 2021 – Deposition
United States District Court for the Western District of Texas

EcoFactor v. Google, November 2021 – Deposition

United States District Court for the Western District of Texas

KAIFI v. T-Mobile, et al, August 2021 – Deposition
United States District Court for the Eastern District of Texas

Optis Wireless Technology, et al. v. Apple, Inc. (Re-Trial), August 2021
United States District Court for the Eastern District of Texas

IPA Technologies v. Amazon.com, May 2021 – Deposition
United States District Court for the District of Delaware

General Access Solutions, Ltd. V. Sprint Spectrum et al., February 2021 – Deposition
United States District Court for the Eastern District of Texas

Optis Wireless Technology, et al. v. Apple, Inc., June 2020 – Deposition; August 2020 – Trial
United States District Court for the Eastern District of Texas

POWERbahn, LLC v. **Foundation Fitness, LLC**, February 2020 – Deposition
United States District Court for the Northern District of Georgia

Apple v. **Wi-LAN, Inc.**, January 2020 – Trial
United States District Court for the Southern District of California

Apple v. **Wi-LAN, Inc.**, December 2019 – Deposition
United States District Court for the Southern District of California

Godo Kaisha IP Bridge 1 v. TCL Communications Technology Holdings Limited, TCT Mobile Limited, and TCT Mobile (US), Inc, November 2018 – Trial
United States District Court for the District of Delaware

Apple v. **Wi-LAN, Inc.**, July 2018 – Trial
United States District Court for the Southern District of California

Bitmanagement Software GMBH v. **United States of America**, May 2018 – Deposition
United States Court of Federal Claims

McRO, Inc., dba Planet Blue v. Bandai Namco Games America, Inc., et al., April 2018 – Deposition
United States District Court Central District of California

Apple, Inc. v. **Wi-LAN, Inc.**, April 2018 – Deposition
United States District Court for the Southern District of California

Godo Kaisha IP Bridge 1 v. TCL Communications Technology Holdings Limited, TCT Mobile Limited, and TCT Mobile (US), Inc, March 2018 – Deposition
United States District Court for the District of Delaware

TCL Communication Technology Holdings, Ltd v. **Telefonaktiebolaget LM Ericsson**, February 2017 – Trial,
United States District Court for the Central District of California

Avago Technologies General IP (Singapore) PTE. LTD. v. **ASUSTeK Computer Inc.**, September 2016 –
Deposition
United States District Court for the Eastern District of Texas

Card-Monroe Corp. v. Tufco Corp., September 2016 – Deposition
United States District Court for the Eastern District of Tennessee

Intellectual Ventures I LLC v. **AT&T Mobility** et al, August 2016 – Deposition
United States District Court for the District of Delaware

Process Control Corporation v. **Conair Group, Inc., and Alan Landers**, August 2016 – Deposition
United States District Court for the Northern District of Georgia

TCL Communication Technology Holdings, Ltd v. **Telefonaktiebolaget LM Ericsson**, May 2016 - Deposition,
United States District Court for the Central District of California

See's Candies Inc. v. Auditing Division of the Utah State Tax Commission, February 2016 - Deposition, July,
2016 – Trial
Fourth District Court, Provo, Utah

Samsung Electronics Co., Ltd. v. **Nokia Corporation**, Consolidated Arbitration Under ICC Rules, April 2015 -
Arbitration
ICC International Court of Arbitration

American Innotek v. **United States of America**, Trial Testimony on September 30th, October 1-2, 2014
United States Court of Federal Claims

U.S. Ethernet Innovations, LLC v. Texas Instruments Incorporated, October 2013 – Deposition, June, 2014 -
Trial
United States District Court for the Eastern District of Texas

PIAO Shang Industry Co., LTD. v. Best Buy, Inc. and Bracketron, Inc., June 25-26, 2012 – Deposition
United States District Court for the Central District of California

Porex Corporation v. MicroPore Plastics. et al, October 5, 2009 - Deposition
Superior Court of Dekalb County, Georgia

WNS Holdings, LLC, Intelligent Technologies International, Inc., and Mark Allan Eberwine v.
United Parcel Service, Inc., June 23, 2009 – Deposition
United States District Court for Western District of Wisconsin

AmBase Corporation and Carteret Bancorp, Inc. v. **United States of America**, September 10-12, 2007 and
March 7th and 11th 2008 - Deposition and Trial

United States Court of Federal Claims

Astoria Federal Savings & Loan Association v. **United States of America**, May 22-24, 2007 - Trial
United States Court of Federal Claims

First Annapolis Bancorp, et al. v. **United States of America**, April 28, 2007 - Trial
United States Court of Federal Claims

First Federal Lincoln Bank v. **United States of America**, June 2, 2006 - Trial
United States Court of Federal Claims

Nokia Corporation v. InterDigital Communications Corporation and InterDigital Technology Corporation,
January 20, 2005 – Arbitration
ICC International Court of Arbitration

Hauck Manufacturing Company v. Astec Industries, Inc., Astec Inc., Bruce Irwin, Frank T.Y. Sun and Sun
Valley Technology, Inc., November 4 and 8, 2004 – Trial
United States District Court for the Eastern District of Tennessee at Chattanooga

Citizens Federal Bank, et al v. **United States of America**, October 27, 2004 - Trial
United States Court of Federal Claims

Hauck Manufacturing Company v. Astec Industries, Inc., Astec Inc., Bruce Irwin, Frank T.Y. Sun and Sun
Valley Technology, Inc., October 15, 2004 – Hearing
United States District Court for the Eastern District of Tennessee at Chattanooga

Hauck Manufacturing Company v. Astec Industries, Inc., Astec Inc., Bruce Irwin, Frank T.Y. Sun and Sun
Valley Technology, Inc., July 16, 2004 – Deposition
United States District Court for the Eastern District of Tennessee at Chattanooga

Alfred D. Hughes and El Paso Holding Corp., et al. v. **United States of America**, June 25 – July 1, 2004 – Trial
United States Court of Federal Claims

Citizens Federal Bank, et al v. **United States of America**, June 22, 2004 – Deposition
United States Court of Federal Claims

Commissariat a l'Energie Atomique v. Tottori Sanyo Electronics Co. Ltd., February 24, 2004 - Declaration
United States District Court for the District of Delaware

Go Medical Industries PTY, Ltd. et al. v. Inmed Corp. d/b/a Rüsche, et al., February 9, 2004 – Trial
United States District Court for the Northern District of Georgia

Riverwood International Corporation v. MeadWestvaco Corporation, August 27, 2003 - Deposition
United States District Court for the Northern District of Georgia

Wellstat Therapeutics Corp. (F/K/A Pro-Neuron, Inc.) v. The Regents of the University of California,

March 6 – 7, 2003 – Deposition
Superior Court of the State of California – San Diego

Admiral Financial Corporation v. **United States of America**, December 12 – 13, 2002 – Trial
United States Court of Federal Claims

First Federal Savings of Hegewisch v. **United States of America**, November 13, 2002 - Deposition
United States Court of Federal Claims

Go Medical Industries PTY, Ltd. et al. v. Inmed Corp. d/b/a Rüschi, et al., August 30, 2002 – Deposition
United States District Court for the Northern District of Georgia

SouthTrust of Georgia, Inc. v. **United States of America**, March 27 – 28, 2002 - Deposition
United States Court of Federal Claims

Astoria Federal Savings and Loan Association v. **United States of America**, March 11 – 12, 2002 - Deposition
United States Court of Federal Claims

First Federal Lincoln Bank v. **United States of America**, February 25 - 27, 2002
March 15, 2002 – Deposition
United States Court of Federal Claims

Alfred D. Hughes and El Paso Holding Corp., et al. v. **United States of America**, February 5 – 8, 2002
Deposition
United States Court of Federal Claims

IGEN International, Inc. v. Roche Diagnostics GmbH, November 19 – 20, 2001 – Trial
United States District Court for Southern Division – District of Maryland

IGEN International, Inc. v. Roche Diagnostics GmbH, September 26, 2001 - Deposition
United States District Court for Southern Division – District of Maryland

M2 Direct, Inc., October 30, 2000 - Trial / Hearing
United States Bankruptcy Court for the Northern District of Georgia (Atlanta Division)

Admiral Financial Corporation v. **United States of America**, August 31, 2000 – Deposition
United States Court of Federal Claims

First Federal Savings of Hegewisch v. United States of America, July 25, 2000 - Deposition
United States Court of Federal Claims

Citizens Federal Bank, et al v. **United States of America**, July 18 – 19, 2000 – Deposition
United States Court of Federal Claims

First Annapolis Bancorp, et al v. **United States of America**, May 11, 2000 - Deposition
United States Court of Federal Claims

Dr. Ben S. Branch, as Trustee of Bank of New England Corporation, v. **FDIC**, February 10, 1998 - Affidavit
United States District Court – District of Massachusetts

Medical Financial Services, Inc. v. Key Bank of Idaho, September 1997 – Deposition
United States Bankruptcy Court for the Northern District of Georgia (Atlanta Division)

FDIC v. Cheek, September 1997 – Affidavit
United States District Court for the District of Columbia

Dr. Ben S. Branch, as Trustee of Bank of New England Corporation, v. **FDIC**, July 16 – 18, 1997
November 18 – 21, 1997 – Deposition
United States District Court – District of Massachusetts

FDIC v. Interdonato, November 1996 Affidavit
United States District Court for the District of Columbia

Kent Corp. v. Unisys Corporation, November 1996 - Arbitration Hearing
American Arbitration Association (Atlanta, Georgia)

Gynecologic Oncology v. **Weiser**, November 1996 – Trial
Fulton County Superior Court (Atlanta, Georgia)

Sonic Communications v. Buffa et al, February 1996 – Trial
United States Bankruptcy Court for the Northern District of Georgia (Atlanta Division)

Harbor Plaza Associates v. Harbor Vista Associates, April 1995 – Trial
Connecticut State Court

Harbor Plaza Associates v. Harbor Vista Associates, March 1995 – Deposition
Connecticut State Court

Warnell v. Putnam-Greene Financial Corporation, January 1995 - Deposition
Superior Court of Bryan County, State of Georgia

International Telecommunications Exchange Corporation v. MCI Telecommunications Corporation,
November 1994 - Deposition
United States District Court for the Northern District of Georgia (Atlanta Division)

Green v. Johnson Lane, December 1992 - Deposition
United States District Court for the Northern District of Georgia (Atlanta Division)

Wewoka Development v. **Midland Mortgage**, October 1992 - Deposition
United States District Court for the Northern District of Georgia (Atlanta Division)

Southmark v. SLGI, September 1991 - Deposition

Texas Northern Bankruptcy Court

RECENT PUBLICATIONS

“*FRAND royalty rates in SEP licensing: comparable license agreements*”, David Kennedy, Larry Tedesco, Intellectual Asset Management Yearbook 2021

“*Formulating or Evaluating a FRAND Offer for LTE*”, Larry Tedesco, David A. Kennedy, Intellectual Asset Management Yearbook 2019

“*5G SEPs – how can early implementers predict aggregate royalties?*”, David A. Kennedy, Larry Tedesco, Intellectual Asset Management Yearbook 2018, p. 120

“*A practical guide to determining FRAND in the telecommunications industry*”, David A. Kennedy, Larry Tedesco, Intellectual Asset Management Yearbook 2017, p. 163

“*The iceberg effect: revisiting the market approach for IP valuations*”, David A. Kennedy, William Kerr, and Kathy Lawton, Intellectual Asset Management Yearbook 2016, p. 17

RECENT PRESENTATIONS

AICPA Spring Meeting, Atlanta, GA
May 2015

“*Valuation Issues in the Global Setting*”

IAM Patent Law and Policy 2015
Courts, Congress and the Monetization Landscape
November 17, 2015

Panel: The Investor View – How Changes in Law and Policy Have Affected the Patent Investment Climate

2022 EDTX Bench Bar Conference, Plano, TX
October 27, 2022

Panel: Baked-in Apportionment: Hotter than a Texas Chili Cook-Off

2023 EDTX Bench Bar Conference, Plano, TX
October 26, 2023

Mock Trial Presentation - “What is the Value of the Life of a Federal Judge?” - based on *The Local* by Joey Hartstone

OTHER

Formerly, Sublette County Wyoming Unified Fire Department, Battalion 3

Wyoming State Fire Marshall Certified
Firefighter 1 – First Responder for Structural Fires, and Automobile Accident Extractions

Wyoming State Forestry Division Certified Wildland Firefighter II - First Responder for Forest Fires

Wyoming Department of Fire Prevention and Electrical Safety - Certified in Hazardous Materials Operations