



IPmetrics[®]
Intellectual Property Consulting

IP Valuation in Bankruptcy

Qualifications and Experience

I. General Experience Summary

IPmetrics LLC was founded in 2000 as a consulting firm specialized in the valuation and monetization of intellectual property.

IPmetrics' core area of expertise is the financial analysis of Intellectual property. Our professionals possess decades of this experience for the purpose of portfolio management, tax compliance, strategic decision-making and litigation support. We have a comprehensive understanding of IP-related financial issues under a variety of contexts. Our expertise encompasses:

- Trademark, patent, trade secret and copyright valuations
- Litigation infringement damages analysis
- Corporate reorganizations
- Purchase/sale transactions
- Joint ventures
- Valuation modeling for strategic decision making
- ASC 805 purchase price allocations
- Establishment of IP holding companies
- Licensing negotiations
- Intercompany (§482) transfer pricing
- Tax disputes and other transactions

II. IP Valuation in Bankruptcy Projects

IPmetrics professionals have accumulated a broad range of bankruptcy-specific IP valuation experience across multiple industries. Specifically, our professionals have performed valuations of patents, trademarks, copyrights, trade secrets, know-how and other intangible assets in numerous projects, including, but not limited to, the following representative list:

1. **Adamson Apparel** – valued trademarks related to apparel for liquidation in litigation
2. **Air America** – valued trademarks and copyrights related to radio broadcasting services for reorganization
3. **Alaska** – valued trademarks related to personal computers for liquidation

4. **American Standard** – valued patents and trademarks related to plumbing products for reorganization
5. **Amherst Fiber Optics** – valued and negotiated the sale of patents related to fiber optic technology
6. **ANC** – valued trademarks, franchise rights and other intangible assets related to the “Alamo” and “National” car rental operations for reorganization
7. **Astro-Turf** – valued trademarks and patents related to flooring systems for liquidation
8. **Beamreach-Solexel** – valued and monetized a large portfolio patents and trademarks for thin-film solar panel applications in liquidation
9. **Bind Therapeutics** – valued a complex technology portfolio of cancer therapies for litigation between the company and its creditors
10. **Bridgestreet Worldwide** – valued trademarks related to corporate housing for liquidation
11. **Budget** – valued trademarks, franchise rights and other intangible assets related to the “Budget” car rental operations for reorganization
12. **Collins & Aikman** – valued and negotiated the sale of multiple patent portfolios related to automotive systems for the US and International entities
13. **Dan River** – valued and negotiated the sale of trademarks related to textile products
14. **El Comandante** – valued trademarks related to horse racing and gaming operations for reorganization
15. **Fortunoff** – valued and negotiated the sale of trademarks related to retail jewelry operations
16. **Friedman's** – valued and negotiated the sale of trademarks related to retail jewelry operations
17. **Fruit of the Loom** – valued trademarks related to apparel for reorganization
18. **Genta** – valued patents related to cancer treatment pharmaceuticals for liquidation
19. **Gloucester Engineering** – valued patents related to plastics for liquidation

20. **Interstate Bakeries** – valued “Hostess,” “Twinkies,” “Wonder” and other brand names and trademarks related to bread and cake products for reorganization
21. **KENAR** – valued trademarks related to apparel for liquidation
22. **LA Gear** – valued trademarks related to footwear and apparel for reorganization
23. **Marvel** – valued trademarks and copyrights related to the universe of Marvel comic book characters (Spider-Man, Iron Man, Hulk, Captain America, Thor, etc.) for reorganization
24. **Montgomery Ward** – valued trademarks and other intangible assets related to retail operations for liquidation
25. **Morgan Confections** – valued trademarks related candy for liquidation
26. **Mossimo** – valued trademarks related to apparel for reorganization
27. **PixelOptics** – valued patents and trademarks related to eyewear for liquidation
28. **Polaroid** – valued patents related to imaging technology for reorganization
29. **Polartec** – valued trademarks related to apparel for reorganization
30. **Powerwave Technologies** – valued patents related to wireless communication infrastructure for reorganization
31. **Realigent** – valued patents related to software for reorganization
32. **Service Merchandise** – valued and negotiated the sale of trademarks, customer lists and other intangible assets
33. **Tower Records** – valued and negotiated the sale of trademarks and other marketing assets related to retail operations
34. **Trident Microsystems** – valued patent portfolio related to sensor technology for orderly disposition in reorganization.
35. **Washington Mutual, Inc.** – valued the “WaMu” brand and trademarks and the banking software / technology assets for reorganization

III. Professionals

David Drews, President

David Drews is founder and president of IPmetrics® LLC, an intellectual property consulting firm. Prior to that, he served as Director of Valuation at CONSOR Intellectual Asset Management. Mr. Drews has accumulated over thirty years' experience as a financial analyst, primarily concentrated in valuing intellectual property of all types, including trademarks, copyrights, patents, know-how, trade secrets and domain names. His valuation experience includes projects involving use of the assets as collateral, transaction due diligence, joint venture negotiations, licensing, transfer pricing and bankruptcy / reorganization.

Mr. Drews has performed valuations on assets as diverse as apparel, financial services, retail, automotive, processed food, non-profit organizations, entertainment, sports and consumer brand trademarks; mechanical, chemical and electrical patents, processes and trade secrets; customer lists; non-compete agreements; and entertainment industry characters, trademarks and copyrights. Mr. Drews has also been called upon to calculate damages related to infringement of intellectual property in numerous litigation and arbitration proceedings.

Prior to concentrating on intellectual property, Mr. Drews was responsible for the analysis and valuation of a broad range of credit applicants and investment vehicles for California Commerce Bank. Before joining California Commerce Bank, he performed investment research at William O'Neil & Co. His responsibilities at O'Neil included in-depth analyses of companies in many different industries, including pharmaceuticals, retail, processed foods, apparel, biotechnology, computer software, financial services and scientific instruments, among others. Mr. Drews holds a Bachelor of Science degree in business administration / economics from the University of Nebraska.

In addition to regularly publishing articles for numerous journals, industry publications and websites, Mr. Drews is a frequent lecturer on IP valuation issues. He has taught several courses for intellectual property valuation and related topics, including the Intellectual Property Damages course for the National Association of Certified Valuation Analysts and the Valuation of Intellectual Property course offered by the National Technology Transfer Center in Wheeling, West Virginia. He regularly lectures on trademark valuation and damages issues at the University of San Diego School of Law.

Mr. Drews has served on the Valuation and Taxation Committee and the Trademarks Committee of the Licensing Executives Society, as Co-Chair on the Valuation Committee of Licensing Executives Society International, on the Famous and Well-Known Trademarks Committee for the International

Trademark Association and currently serves as Editor of *les Nouvelles*, a peer-reviewed journal for licensing and intellectual property topics published by the Licensing Executives Society International.

Daryl Martin, Managing Principal

Daryl Martin is a managing principal at IPmetrics® Intellectual Property Consulting in San Diego, California. Mr. Martin has over 20 years' experience as a financial analyst, primarily focused on the valuation and analysis of intellectual property and intangible assets (IP). He is responsible for analyzing various types of IP including trademarks, copyrights, patents, trade secrets, domain names, mailing lists, and customer databases. Over the last decade, Mr. Martin has completed work on over 250 intellectual property valuation assignments, including projects for many of the top 100 IP law firms and fortune 500 clients. His extensive background includes valuing intangible assets for the purposes of loan securitization, acquisitions/mergers, joint ventures, licensing transactions, transfer pricing, bankruptcy filings, and litigation support.

Prior to joining IPmetrics, Mr. Martin served as Vice President for a leading intellectual property management firm. During his eight plus year tenure, he was responsible for managing all intellectual property valuation, litigation support and monetization activities.

Mr. Martin is a frequent lecturer and author on a diverse array of intellectual property matters, particularly trademarks and copyrights, and has taught intellectual property valuation and damage calculation techniques to a wide variety of audiences. He has also been called on to calculate damages related to infringement of intellectual property in a multitude of bankruptcy and litigation matters. In addition, Mr. Martin has substantial bankruptcy experience having previously served as Co-chair for both the Asset Sales Committee and the Technology and Intellectual Property Committee for the American Bankruptcy Institute (www.abiworld.org).

Mr. Martin holds the Certified Licensing Professional (CLP) designation sponsored by the Licensing Executives Society and is an honors graduate of San Diego State University with a degree in Business Administration and his Masters in Finance.

Fernando Torres, Chief Economist

Fernando Torres is an intellectual property economist with 30 years of work experience in economics, financial analysis, and business management in the U.S. and Mexico. He is a member and Chief Economist at IPmetrics LLC, an IP consulting firm specializing in the strategic analysis, valuation, and expert witness assessment of the full spectrum of intangible assets.

Since 2004, Mr. Torres has applied his economics, finance and business experience, as well as skills in quantitative techniques, to the analysis and valuation of intangible assets, including valuation for transactional and litigation purposes (bankruptcy and infringement cases). Prior to joining IPmetrics, Mr. Torres served as Senior Economist at CONSOR® Intellectual Asset Management.

During recent years, Mr. Torres has undertaken projects involving the valuation and/or the assessment of infringement damages regarding copyrights, trademarks, patents, trade secrets, rights of publicity, and other intellectual assets in such industries as commercial agriculture, auto parts, apparel and footwear, retail, pharmaceuticals, entertainment, telecommunications, and non-profit organizations, among others.

Mr. Torres regularly presents on topics related to intangible asset valuation in a variety of venues, many of which qualify for CLE credit. During the past few years, Mr. Torres has been an instructor for the course “Valuing Intangible Assets for Litigation,” which is part of the requirements of the Certified Forensic Financial Analyst designation issued by the National Association of Certified Valuation Analysts (NACVA).

Mr. Torres is a member of the National Association of Forensic Economics, and of the Western Economics Association International, among others. His career has spanned from academia, to branches of government, to private industry and consulting.

He first earned a B.A. in Economics from the Metropolitan University in Mexico City (1980), and went on to earn a Graduate Diploma in Economics from the University of East Anglia (U. K., 1981), and a Master of Science Degree specializing in Econometrics from the University of London, England (1982).

Prior to specializing in IP, his career centered on financial analysis and business management. During the 1980s, Mr. Torres was Professor of Economics at the Metropolitan University in Mexico City, teaching Economic Policy, Economic Growth, Microeconomics, and Quantitative Methods. Mr. Torres was later a financial consultant (NASD Series 7, 63, 65) for half a dozen years with AXA Advisors LLC.

Additional information and further details are available upon request.

Sincerely,

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