

## DARYL MARTIN VICE PRESIDENT



Daryl Martin oversees the valuation division at CONSOR® Intellectual Asset Management in La Jolla, California. He is responsible for analyzing various types of intellectual property and intangible assets including trademarks, copyrights, patents, trade secrets, domain names, mailing lists, and customer databases. With over 10 years of financial analysis and valuation experience, Mr. Martin has worked on over 150 valuation projects. Mr. Martin's 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.

Mr. Martin's broad experience includes time as a Senior Financial Analyst for ConAm Management, a real estate investment company, where he supervised all valuation activity for the Asset Management Division. While there, he was responsible for detailed asset valuations and financial reporting functions on syndicated real estate investment portfolios.

Prior to joining ConAm Management, Mr. Martin performed mutual fund valuation and financial reporting as a Financial Reporting Analyst for the Franklin Templeton Group. During his tenure, Mr. Martin was responsible for preparing revenue projections and financial statements, performing budget analyses, and generating monthly financial packages for management.

Mr. Martin is an honors graduate of San Diego State University with his undergraduate degree in Business Administration and his Masters in Finance.

### PROFESSIONAL ASSOCIATIONS

- American Bankruptcy Institute
- Association of Insolvency & Restructuring Advisors
- CFA Institute
- International Trademark Association
- Licensing Executives Society
- Turnaround Management Association

### SPEECHES & PRESENTATIONS

- "Patent Valuation" – Patent Law Institute – San Francisco, California; January 2007
- "Intellectual Property: Damages and Lost Profits" – National Association of Certified Valuation Analysts (NACVA) Annual Meeting – San Diego, California; December 2006 (Instructor)
- "Leveraging the Brand: How Intellectual Property is Changing Turnarounds" – Turnaround Management Association Annual Meeting – Orlando, Florida; October 2006
- "Fundamentals of Intellectual Property Valuation" – IP Licensing Summit – New York, New York; August 2006
- "Perfecting Security Interests in Intellectual Property" – HSBC and Phillips Lytle – New York, New York; March 2006
- "Effective IP Litigation Support and Valuation" – LeBoeuf, Lamb, Greene & MacRae, LLP – New York, New York; February 2006 (CLE Presentation)
- "Opening the Black Box: IP Valuation, Securitization and Disposition Unveiled" – The Commercial Finance Association – San Diego, California; November 2005
- "Effective IP Litigation Support and The Use of Valuation Tools" – Christensen, Miller, Fink, Jacobs, Glaser, Weil & Shapiro, LLP – Los Angeles, California; October 2005 (CLE Presentation)
- "Corporate Identity Value: The Valuation of Goodwill and Trademarks" – The American Bar Association Section of Intellectual Property Valuation – Arlington, Virginia; April 2005

- “IP Valuation and Licensing: Understanding The One To Facilitate The Other” – San Diego Telecom Council IPSIG & San Diego Chapter of the Licensing Executives Society – San Diego, California; February 2005
- “MasterCard Brand and Technology Valuation Framework” – Presented to the Brand Strategy Management Team – Purchase, New York; September 2004
- “360 Degree Brand Stewardship – Brand Valuation, Licensing/Leverage and Management” – Ogilvy & Mather – New York, New York; September 2004
- “Cross Border Transaction Issues in Electronic Commerce and Internet Licensing Transactions” – San Diego Chapter of the Licensing Executives Society – La Jolla, California; October 2003
- “Valuing and Leveraging of the Powerball Brand” – Presented to the Multi-State Lottery Association Board of Directors – New Orleans, Louisiana; September 2003
- “Identifying and Accurately Valuing IP and Intangible Assets” – GE Capital – La Jolla, California; June 2003
- “Intellectual Asset Management – Valuation of Intellectual Property and Intangible Assets” – San Diego Bar Association – La Jolla, California; December 2002

**“INTELLECTUAL ASSET MANAGEMENT” – GRAY CARY – SAN DIEGO, CALIFORNIA; FEBRUARY 2002 PUBLICATIONS**

- “Intellectual Property Valuation Techniques,” *The Licensing Journal*, October 2006
- “The Secured Lender - Second Installment,” [www.ipfrontline.com](http://www.ipfrontline.com), March 2006
- “The Secured Lender - Parts I & II,” [www.ipfrontline.com](http://www.ipfrontline.com), January 2006
- “The Impact of SFAS 141 & 142 on Intangible Asset Management,” *The Secured Lender*, November 2005
- “Intellectual Property Valuation: Context is Critical,” *The Secured Lender*, September 2005
- “Intellectual Property: Collateral for Securitization or Lending,” *The Secured Lender*, July 2005
- “Accurate IP Valuation in Multiple Environments,” *IAM - Intellectual Asset Management*, February/March 2004
- “Understanding the Value and the Risk,” *ABF Journal*, January 2004
- “What’s It Worth? Context Continuum,” *The Licensing Journal*, September 2002

**LITIGATION SUPPORT EXPERIENCE**

*CYCLONE USA, INC. v. LL&C DEALER SERVICES, LLC*, Docket No. CV-03-0992 WMB (JWJx), United States District Court for the Central District of California; expert witness testimony and report regarding calculation of damages (February 2006).

*PRECISION REPLACEMENT PARTS CORP. v. AUTO GLASS COMPONENTS, INC.*, Docket No. 04-CV-566L, United States District Court for the Western District of Washington at Seattle; deposition and expert witness testimony and report regarding calculation of loss in business valuation and economic damages (August 2005).

*FLEETWOOD ENTERPRISES, INC. AND FLEETWOOD FOLDING TRAILERS, INC., PLAINTIFFS AND COUNTERCLAIM DEFENDANTS v. THE COLEMAN COMPANY, INC.*, Case No. 03 CV 2029, Eighteenth Judicial District Court, Sedgwick County, Kansas; expert report regarding breach of contract, customs and practices of holding (and other types of shared control or “parent”) companies, and the use of trademarks in advertising and sales materials (August 2005).

*KEN’S FOODS, INC. v. KEN’S STEAK HOUSE, INC.*, Case No. 01-CV-11878-NG, United States District Court District of Massachusetts; expert report regarding trademark infringement and calculation of brand value and damages (December 2004).

*PARKS v. LAFACE RECORDS ET AL*, Civil Docket for Case No. 1:04 mi-00261, United States District Court, Northern District of Georgia; expert report regarding valuation of celebrity rights and images and calculation of damages (December 2004).

*MONSTER CABLE PRODUCTS, INC. v. DISCOVERY COMMUNICATIONS, INC.*, Civil Action No. 03-CV-3250 (WHA), United States District Court for the Northern District of California; expert report regarding calculation of damages (August 2004).

*CORBIS CORPORATION v. AMAZON.COM, INC. ET AL.*, Case No. CV03-1415L, United States District Court Western District of Washington; expert report regarding royalty rates, rights clearance fees, dilution of licensability, lost revenue, and calculation of damages (June 2004).

*AMERIQUEST v. AMERICREST (OKLAHOMA)*, Case No. L7526-0585, United States District Court Western District of Oklahoma; expert report regarding trademark infringement, false designation of origin, unfair competition, trademark dilution, and calculation of damages (March 2004).

*ADIDAS AMERICA, INC. ET AL v. PAYLESS SHOESOURCE, INC.*, Civil Document for Case No: 0:94-cv-03424-LDW, United States District Court Eastern District of New York; expert report regarding establishment of royalty rates for the use of the trade dress, calculations of royalty rate payments, lost profits, and damages (October 2003).

*KLUGE DESIGN, INC. v. GENTRA SYSTEMS, INC.*, Civil Docket for Case No. 0:02-cv-00234-SRN-SRN, United States District Court District of Minnesota (DMN); expert report regarding calculation of damages stemming from misappropriation of proprietary software (August 2003).

*CAVALIER v. THE JIM HENSON CO.*, LLASC Case No. BC 251828, United States District Court; expert report regarding misuse of intellectual property and calculation of damages (May 2003).

*NATIONAL BEVERAGE CORP. EVERFRESH BEVERAGES, INC., FAYGO BEVERAGES, INC. AND HOME JUICE CORP. F/K/A HJMP CORP. v. GARDEN FOODS, INC., AND FRESH-PURE SPLASH JUICE COMPANY*, Civil Action No. 01-73158, United States District Court for the Eastern District of Michigan Southern Division; expert report regarding dilution and trademark confusion (May 2003).

*FISH BONES-SANDLAKE ROAD, INC. v. OUTBACK STEAKHOUSE, INC., BONEFISH GRILL, LLC, OS SEA, INC., AND INTERNATIONAL MARKET PLACE, INC.*, Case No. 6:02-CV-671-ORL-31JGG, United States District Court, Middle District of Florida Orlando Division; expert report regarding confusion (January 2003).

*MARCEL FASHIONS GROUP, INC. v. LUCKY BRAND DUNGAREES, INC. AND FEDERATED DEPARTMENT STORES, INC. AND LIZ CLAIBORNE, INC.*, Civil Action No. 01-7495, United States District Court, Southern District of Florida; expert report regarding calculation of damages (January 2003).

*PAUL FRANK INDUSTRIES, INC. v. ZEROS & ONES, INC., and DOES 1 through 15, inclusive*, Case No. SA CV01-582DOC(ANx), United States District Court for the Central District of California; expert report regarding customs and practices relating to agreements for use of intellectual property and calculation of damages (April 2002).

*YKK CORPORATION AND YKK (U.S.A.), INC. v. JUNGWOO ZIPPER CO., LTD., AND YPP (U.S.A.), INC.*, Civil Action No. C00-05731 FMC (RCx), United States District Court for the Central District of California; expert report regarding likelihood of confusion, trademark dilution, and calculation of damages (January 2002).

*SAN FRANCISCO NETWORK v. SALISBURY MANUFACTURING CORPORATION; FAB INDUSTRIES, INC.; ET AL*, Civil Action No. C99-5022 CRB (JL), United States District Court for the Northern District of California; expert report regarding licensing versus franchise agreements and infringement (December 2001).

*CREATIVE COMPUTING d/b/a INTERNET TRUCKSTOP v. GETLOADED.COM LLC AND/OR CODIFIED CORPORATION, AND JACK C. MARTIN*, Civil Action No. CIV 00-476-S-BLW, United States District Court for the District of Idaho; expert report regarding valuation and infringement (November 2001).

*AMAZON.COM, INC., a Delaware Corporation v. VON ERIC LERNER KALAYDJIAN, d/b/a/ AMAZON COSMETICS AND TAN PRODUCTS*, Civil Action No. CV 01-02041 R (AIJx), United States District Court Central District of California; expert report regarding trademark infringement (October 2001).

*HEARTS ON FIRE COMPANY v. ALEXANDER M. WALDMAN DIAMOND COMPANY, INC.*, Civil Action No. 01 CV 4628(HB), United States District Court for the Southern District of New York; expert report regarding confusion and dilution of trademark (October 2001).

*GENESCO, INC. v. MUDD, LLC*, Case No. 3:2000-cv-00641, United States District Court for the Middle District Of Tennessee; expert report regarding licensing, royalty rates, and valuation (August 2001).