

LOUIS P. BERNEMAN, EdD, CLP, RTTP
Managing Director
Texelerate, LLC

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Dr. Berneman, an intellectual property business development expert, serves as managing director of Texelerate, LLC, a technology transfer consultancy focused on financing startup ventures, monetizing royalties, and negotiating patent license and related alliance agreements. He has valued, structured, negotiated, drafted, and monitored hundreds of intellectual property license agreements in the life sciences and tech sectors. He also has extensive experience testifying on licensing and damages issues in federal and state courts and in arbitration. Dr. Berneman is a Certified Licensing Professional (CLP) and a Registered Technology Transfer Professional (RTTP).

Dr. Berneman is the founding partner of Osage University Partners (OVP.VC), a venture fund. He is also a senior advisor to HealthCare Royalty Partners, a private investment fund, which purchases royalty interests and uses debt-like structures to invest in healthcare products.

He is a past President and long-time Board member of the Association of University Technology Managers (AUTM) and a former Vice President and long-time Trustee of the Licensing Executives Society U.S.A. & Canada (LES). For both AUTM and LES, he developed, chaired, and served on the faculty of their professional development training programs. In 2005, the LES Foundation awarded him the Frank Barnes Mentor Award, presented annually to an LES member who "has dedicated considerable time and energy to mentoring fellow licensing professionals."

PROFESSIONAL EXPERIENCE

Texelerate, LLC, Naples, FL Managing Director Principal long-term engagements: <ul style="list-style-type: none">• Founding Partner, Osage University Partners 2009 to present; and• Member, Senior Advisor Board, HealthCare Royalty Partners 2009 to present	2005 - present
University of Pennsylvania, Philadelphia, PA Managing Director, Center for Technology Transfer (CTT) and Intellectual Property Administrator	1995 - 2005
Virginia's Center for Innovative Technology (CIT), Herndon, VA Director, Licensing and Business Development	1989 - 1995
Biotherapeutics, Inc., Franklin, TN Co-Founder, President, CEO, and member of the Board of Directors	1984 - 1989
Immuno Modulators Laboratories, Inc., Houston, TX Vice President, Sales and Marketing	1982 - 1984
University of Houston, Houston, TX Assistant Professor of Education	1976 - 1982

EDUCATION and CERTIFICATION

Registered Technology Transfer Professional (RTTP)	2010
Certified Licensing Professional (CLP)	2008
Executive Program Certificate, Innovation and Technology Management, Darden Graduate School of Business Administration, University of Virginia	1991
Doctor of Education, Teachers College, Columbia University	1977
Master of Education, Teachers College, Columbia University	1975
Master of Arts, Teachers College, Columbia University	1974
Teaching Credential, University of California at Santa Barbara	1972
Bachelor of Arts, Pennsylvania State University	1970

SELECTED EXPERT TESTIMONY AND EXPERT ENGAGEMENTS

Shareholder Representative Services LLC v. Telenor Digital Holdings Inc. (USA)

Arbitration under the United Nations Commission on International Trade Rules

Served as an expert on behalf of Telenor in a dispute related to Telenor's loss resulting from an alleged breach and inaccurate representation and warranty about technology and intellectual property rights. Submitted an expert report in July 2018 and attended, but did not testify, at arbitration hearing in October 2018.

Desktop Metal, Inc. v. Markforged and Matiu Parangi

US District Court

Civil Action No. 1:18-cv-10524-WGY

Served as a damages expert on behalf of Markforged in a patent infringement dispute. Submitted an expert report and testified at deposition in June 2018.

Roche Diagnostics GmbH v. Enzo Biochem, Inc.

US District Court

Case No. 04-cv-4046 (RJS)

Served as a licensing expert on behalf of Roche in a breach of contract dispute related to contract terms in the life sciences industry (research market and use, commercial use, development and exploitation). Submitted an expert report in February 2018 and testified at deposition in May 2018.

In re Modafinil Litigation, Apotex, Inc. v. Ranbaxy, Inc.

US District Court

No. 2:06-cv-2768

Served as a licensing expert on behalf of Ranbaxy providing an independent assessment of whether certain transactions and payments were reasonable in this "reverse payments" dispute. Submitted an expert report in 2011 and testified at trial in June 2017.

In re Modafinil Litigation Federal Trade Commission v. Cephalon, Inc.

European Commission

Served as a licensing expert on behalf of Cephalon providing an independent assessment of whether certain transactions and payments were reasonable in this "reverse payments" dispute. Submitted an expert report in January 2018.

ATM Shafiqul Khalid v. Citrix Systems, Inc.

Superior Court in the State of Washington

No. 15-2-24309-8 SEA

Served as an expert on behalf of Citrix opining on the viability of Plaintiff's alleged startup business. Submitted an expert report in February 2017 and testified at deposition in March 2017 and at trial in September 2017.

Encore Supply Strategies, LLC v. Ernst & Young LLP

International Institute for Conflict Prevention & Resolution

CPR File No. G-16-43-C

Served as a damages expert on behalf of Ernst & Young. Submitted an expert report in February 2017 and testified at arbitration in March 2017.

Children's Medical Center Corporation and CV Rev Holdings LLC v Celgene Corporation

US District Court

C.A. No. 13-CV-11573-MLW-JGD

Served as an expert on behalf of Children's Medical Center and CV Rev Holdings opining on royalty obligation. Submitted an expert report in June 2015.

Medtronic, Inc. and Consolidated Subsidiaries v. Commissioner of Internal Revenue

US Tax Court Docket No. 6944-11

Served as a licensing expert on behalf of Medtronic in a transfer pricing dispute with the IRS opining on appropriate royalty rates for rights granted in intercompany intellectual property, supply, and distribution agreements. Submitted an expert report in October 2014 and testified in tax court trial in February 2015.

Yeda Research and Development Company, Ltd. v UCB, Inc.

US District Court

Case No. 1:14-cv-1038-LMB-TCB

Served as an expert on behalf of UCB opining on damages appropriate to compensate Yeda for alleged patent infringement. Submitted an expert report in January 2015 and testified at deposition in February 2015.

Solazyme, Inc. v. Roquette Freres, S.A.

Arbitration

Served as an expert on behalf of Solazyme opining on the disposition of intellectual property upon dissolution of a joint venture. Submitted an expert report in July 2014 and testified at deposition in August 2014.

Enzo Biochem, Inc. and Enzo Life Sciences, Inc., v. PerkinElmer, Inc. and PerkinElmer Life Sciences, Inc. US District Court

Case No. O3-cv-3817 (RJS)

Served as a licensing expert on behalf of PerkinElmer in a breach of contract dispute related to contract terms in the life sciences industry (research market and use, commercial use, development and exploitation). Submitted an expert report in February 2014 and testified at deposition in February 2014.

Henry M. Jackson Foundation for the Advancement of Military Medicine, Inc. v. Norwell, Inc.

American Arbitration Association

Case No. 16 193 Y 0066712

Served as an expert on behalf of the Henry M. Jackson Foundation in a breach of contract dispute related to terms of patent license agreements. Submitted expert reports in August and October 2013 and testified at arbitration hearing in October 2013.

Gatekeeper Pharmaceuticals, Inc. v. Novartis Pharma, A.G.

US District Court

Civil Action No. 1:10-CV-11613

Served as an expert on behalf of Novartis to rebut assertions of tortious interference related to financing a startup venture. Submitted expert report in May 2013 and testified at deposition in June 2013.

SPH America, LLC v. Acer, Inc., et al.

US District Court

Civil Action No. 1:09-CV-740 LMB/JFA

Served as an expert on behalf of Acer, Dell, and Novatel opining on damages appropriate to compensate SPH for alleged patent infringement. Submitted expert report in December 2012 and testified at deposition in January 2013.

Apple Inc. v. Motorola Mobility, Inc.

US District Court

Case No. 11-cv-178-bbc

Served as an expert on behalf of Apple opining on appropriate royalty payments consistent with Motorola's FRAND obligations. Submitted expert report in September 2011 and testified at deposition in May 2012.

Lakeland Regional Medical Center, Inc. v. Astellas US, LLC and Astellas Pharma US, Inc.

US District Court

Case No. 8:10cv2008-33TGW

Served as a patent licensing expert on behalf of Astellas. Submitted expert reports in July and August 2012.

MedImmune, LCC v. Henry M. Jackson Foundation for the Advancement of Military Medicine, Inc. et al.

Circuit Court for Montgomery County, Maryland

Served as an expert on behalf of the Henry M. Jackson Foundation opining on license terms and duration of royalty obligation. Submitted expert report in August 2012 and testified at deposition in September 2012.

The Research Foundation of the State University of New York v. Nektar Therapeutics, Inc.

US District Court

Civil Action No.: 1:09-CV-01292 (GLS) (DRH)

Served as an expert on behalf of SUNY opining on license terms and sublicense revenue sharing obligation. Submitted expert report in June 2012 and testified at deposition in July 2012.

Apple Inc. and NeXT Software Inc. v. Motorola Inc. and Motorola Mobility, Inc.

US District Court

Case No. 10-CV-662 (BBC)

Served as an expert on behalf of Apple and NeXT opining on appropriate royalty payments consistent with Motorola's FRAND obligations. Submitted expert reports in March and April 2012 and testified at deposition in May 2012.

SkinMedica, Inc. v. Histogen, Inc. et al.

US District Court

Case No. CV 09-0122 JLS (NLS)

Served as an expert on behalf of SkinMedica opining on reasonable royalty damages. Submitted expert reports and declarations in August and September 2011 and May 2012.

King Drug Company of Florence, Inc., et al. v. Cephalon, Inc. et al.

US District Court

Civil Action No. 06-cv-1797

Served as a licensing expert on behalf of Cephalon providing an independent assessment of whether certain transactions and payments were reasonable in this "reverse payments" dispute. Submitted an expert report in June 2011 and testified at deposition in August 2011.

In the matter of Certain Mobile Devices, Associated Software, and Components Thereof (Microsoft v. Motorola)

US Trade Commission

Investigation No. 337-TA-744

Served as an expert on behalf of Microsoft opining on appropriate royalty payments consistent with Motorola's FRAND obligations. Submitted expert report in June 2011 and testified at deposition in August 2011.

Emory University and University of Georgia Research Foundation, Inc. v. Pharmasset, Inc.

American Arbitration Association

Case No. 30 122 Y 00596 09

Served as an expert on behalf of Emory and the University of Georgia opining on license terms and practices and sublicense revenue sharing. Testified at arbitration in 2010.

St. Clair Intellectual Property Consultants, Inc., v. Research in Motion Ltd., et al., Research in Motion Corp.

US District Court

Civil Action No. 08-371-JJF-LPS

Served as an expert on behalf of RIM opining on licensing terms and agreements to inform the determination of the reasonable royalty rate and royalty base for the calculation of damages. Submitted expert report in February 2010 and testified at deposition in March 2010.

Vaxiion Therapeutics, Inc. v. Foley & Lardner

US District Court

Civil Action No. 3:07-cv-00280-IEG-RBB

Served as an expert on behalf of Vaxiion opining on Vaxiion's inability to raise capital resulting from Foley & Lardner's actions and repercussions of those actions with respect to lost business opportunities and market value. Submitted expert reports in June and October 2008.

Kobe Holdings, LLC et al. v. Economic Inventions, LLC, et al.

Superior Court of the State of California
GIC 866310

Served as an expert on behalf of Kobe opining on licensing terms and practices and the monetization of royalties. Submitted a declaration in September 2008.

Bard Peripheral Vascular, Inc., and David Goldfarb, M.D. v. W.L. Gore & Associates, Inc.

US District Court
No. CV-03-0597-PHX-MHM

Served as an expert on behalf of Bard and Dr. Goldfarb opining on patent option and license agreements. Submitted an expert report and testified at deposition and trial.

Bavarian Nordic A/S and Anton Mayr v. Acambis Inc., and Acambis, PLC

US District Court
C.A. No. 05-614 SLR

Served as an expert on behalf of Acambis opining on material transfer agreements. Submitted an expert report and testified at deposition.

Kourosh A. Dastgheib v. Genentech, Inc.

Civil Action No. 2:04cv1283

Served as an expert on behalf of Genentech to rebut Plaintiff's allegations. Submitted an expert report.

Frederic A. Stern v. The Trustees of Columbia University in the City of New York and Laszlo Z. Bito

Civil Action No. 01 19086 (RCC)

Served as an expert on behalf of Columbia University opining on institutional policies and practices related to the determination of inventorship. Submitted an expert report.

City of Hope National Medical Center v. Genentech, Inc.

Los Angeles County Superior Court
No. BC215152 and B161549

Served as an expert on behalf of Genentech opining on licensing terms and royalty monitoring practices. Submitted an expert report and testified at deposition and trials.

SELECTED PUBLICATIONS

Louis P. Berneman and Christopher F. Wright, *The University as a Venture Investor: Models and Challenges for Equity Licensing, Direct Investment and Partnering Methods*, American Bar Associate Technology Transfer Law Handbook, 2014.

Louis P. Berneman, Todd C. Davis, D. Patrick O'Reilley, and Matthew Raymond, *Maximizing the Value of Licensing Agreements*, les Nouvelles: Journal of the Licensing Executives Society International, March 2014.

Louis P. Berneman and Christopher F. Wright, *Venture Capital 101: Financing Mentality, Jargon, Term Sheets, and Documents - Primer for Academic Technology Transfer Managers and Industry Licensing Executives*, les Nouvelles: Journal of the Licensing Executives Society International, March 2014.

Louis P. Berneman and Todd C. Davis, *Making Licenses Bankable*, Viewpoints: The Newsletter of the Licensing Executives Society (USA and Canada), Vol. XVII No. 2, April 2010.

Louis P. Berneman, Iain Cockburn, Ajay Agrawal, and Shankar Iyer, *US/Canadian Licensing in 2007/2008: Survey Results*, les Nouvelles: Journal of the Licensing Executives Society International, March 2009, Volume XLIV No. 1, 1-8.

Louis P. Berneman, *Royalty Monetization: A Post-License Value-Creation Strategy*, Tomorrow's Technology Transfer: The Journal of the Association of University Technology Managers, Vol 1, 2009, 44-54.

Louis P. Berneman and John R. Leone, *Revenue Interest Financing: A Strategic Alternative to Accessing Capital through Licensing in the Life Sciences*, les Nouvelles: Journal of the Licensing Executives Society International, Volume XLIII No. 42, December 2008, 285-292.

Louis P. Berneman, Kathleen A. Denis, and Christopher F. Wright, *Using Term Sheets to Get What You Need and Negotiate for What You Want in Industry, University Licenses*, Association of University Technology Managers Technology Transfer Practice Manual (M. Forster, ed.), 2003.

Louis P. Berneman, and Kathleen A. Denis, *University Licensing Trends and Intellectual Capital, The LESI Guide to Licensing Best Practices* (R. Goldscheider, ed.), John Wiley and Sons, Inc., New York, 2002, 227-249.

Louis P. Berneman, and Kathleen A. Denis, *Evolution of Academic-Industry Technology Transfer in the USA*, Industry & Higher Education, 1998, 202-205.