

March 2021

Jennifer Vanderhart, Ph.D.
Managing Director

Dr. Jennifer Vanderhart is a Managing Director at Intensity, LLC. As a Ph.D. and economist based in Washington, D.C., she provides a range of services, including litigation support services and economic consulting. Dr. Vanderhart has more than 20 years' experience in evaluating and quantifying economic damages including claims arising from patent, copyright, and trademark infringement, trade secret misappropriation, contract disputes, employment discrimination, antitrust allegations, FIFRA arbitrations, and claims of expropriation by foreign governments. Her specialties include:

- Intellectual Property
- Breach of Contract
- International Arbitration
- Antitrust
- Commercial Damages

Her clients include companies in a wide range of industries and retail sectors, including toys, spirits, education, computer hardware and software, consumer goods, mining, tobacco, and financial services. A few examples of her work:

- Testifying in federal and state courts and domestic and international arbitration proceedings.
- Assisting companies in patent and trademark licensing negotiations, royalty investigations and calculations, and intellectual property and asset valuations.
- Testifying as to the appropriate data cost-sharing compensation under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

Before joining Intensity, Dr. Vanderhart founded and led the IP Practice at Analytics Research Group. She has also held positions at several economic consulting firms, and taught at Texas A&M University in the Economics and Management departments. She has published on the subjects of valuation, damages, and intellectual property, and frequently speaks on these topics at conferences and lectures.

Dr. Vanderhart is a member of the American Economic Association, the American Society of International Law, and the Licensing Executives Society of which she is vice-chair for the D.C. Chapter. She is also an associate member of the American Bar Association, where she chairs the Intellectual Property Litigation subcommittee.

Dr. Vanderhart earned her Ph.D. in Economics from Texas A&M University. She received her B.A. at Trinity University, majoring in Economics and Spanish, with a minor in Math. She is also fluent in Spanish.

Education

Ph.D. Economics, Texas A&M University.

B.A. Economics and Spanish, Minor in Math, Trinity University.

Professional Experience

Intensity, LLC. Managing Director, 2021 to present.

Analytics Research Group. Principal, 2016 – 2021.

FTI Consulting. Managing Director, 2012 – 2016.

Exponent. Principal Scientist, 2010 – 2012.

InvoTex Group. Managing Director, 2005 – 2010.

Navigant Consulting. Associate Director, 2004 – 2005.

LECG. Senior Economist, 1998 – 2004.

Texas A&M University Department of Management. Lecturer, 1999-2000.

Texas A&M University Department of Economics. Instructor, 1997-1999.

Select Deposition/Trial Testimony

1. *Solid 21, Inc. v. Breitling U.S.A. and Breitling SA*, Civil Action No. 19-cv-00514-MPS, United States District Court, District of Connecticut. Deposition testimony February 2021.
2. *Capri Sun GmbH v. American Beverage Corporation*, United States District Court for the Southern District of New York, Case No. 1:19-cv-01422. Deposition testimony February 2021.
3. *OJ Commerce LLC and Naomi Home, Inc. v. KidKraft, Inc and MidOcean Partners IV, L.P.* United States District Court for the Southern District of Florida, Case No. 19-CV-6034. Deposition testimony June 2020 and July 2020.
4. *Christopher J. Tigani et al. v. Robert F. Tigani, Sr., Trustee*. Court of Chancery of the State of Delaware, CA No. 2017-0786-SG. Deposition testimony November 2019, trial testimony February 2020.
5. *Yohannes Lakew and iStar Coffee v. Georgian Investors et.al.* Circuit Court of Maryland for Montgomery County, Civil Case No. 465255-V. Deposition testimony January 2020.
6. *Trans-Radial Solutions, LLC v. Burlington Medical, LLC, et al.* United States District Court for the Eastern District of Virginia, Norfolk Division, CA No. 2:18-cv-00656. Deposition testimony December 2019.
7. *Solid 21, Inc. v. Ulysse Nardin, USA Inc., Kering S.A., et al.* United States District Court Southern District of Florida, Case No. 19-80474-CIV. Deposition testimony November 2019.
8. AAA Arbitration testimony regarding economic damages in a contract dispute in the construction industry, June 2019.
9. *McGee & McGee Wine Merchants v. JaM Cellars and John Anthony Vineyards*. Second Judicial District Court of the State of Nevada in and for the County of Washoe, Case. No. CV16-00761. Deposition testimony August 2018.
10. *American Contractors Supply, LLC v. HD Supply Construction Supply, Ltd.* United States District Court for the Northern District of Georgia, Civil Case No. 1:16-cv-03595-MLB. Deposition testimony June 2018.
11. *Marisa Pawelko d/b/a The Modern Surrealist v. Hasbro, Inc.* United States District Court for the District of Rhode Island, Case No. 16-201JJM. Deposition testimony April 2018.
12. *Michael Winstanley Architects & Planners, P.C. v. Stuart Kitchens, Inc. et al.* United States District Court for the Eastern District of Virginia, Alexandria Division, Case No. 1:17-cv-1167 (AJT/TCB. Deposition testimony March 2018.
13. *Choon's Design, Inc. v. Tristar Products, Inc.* United States District Court, Eastern District of Michigan, Southern District, Case No. 14-10848. Deposition testimony January 2018.
14. *Edgewell Personal Care Brands, LLC v. Albaad Massuot Yitzhak, Ltd. et al.* United States District Court, District of Delaware, Civil Action no. 15-1188(RGA. Deposition testimony November 2017.

15. *Corepex Technologies, Inc. v. WH Administrators, Inc.* United States District Court, Eastern District of Virginia, Case No. 1:17-cv-00026-LMB-MSN. Deposition testimony July 2017.
16. *Crown Beverages, Inc. v. Sierra Nevada Brewing Co.* United States District Court, District of Nevada, Case No. 3:16-cv-00695-MMD-VPC. Deposition testimony April 2017.
17. ICDR Arbitration testimony regarding FRAND contracting in the telecommunications industry, October 2015.
18. *In re Wynnchurch Capital LTD.* Court of Chancery for the State of Delaware, C.A. No. 10077-VCL. Deposition testimony 2014.
19. *Pac Rim v. Republic of El Salvador.* The International Centre for Settlement of Investment Disputes, ICSID Case No. ARB/09/12. Arbitration testimony 2014.
20. *David Roth v. Hasbro, Inc. and Hasbro International, Inc.* Superior Court of the State of California, For the County of Los Angeles, Case No. BC501002. Deposition testimony 2013.
21. *Southern Wine & Spirits of America, Inc., dba Southern Wine & Spirits of Nevada, and Maisons Marques & Domaines USA, Inc v. Chateau Vegas Wine, Inc., Transat Trade, Inc. and Does 1 through X.* District Court, Clark County, Nevada, Case No. A 460811. Deposition testimony 2008, trial testimony 2013.
22. *Hearthware, Inc. v. E. Mishan & Sons, Inc.* United States District Court, Northern District of Illinois, Eastern Division, Civil Action No. 1:11-cv-05233. Deposition testimony 2012.
23. *RES Development Corporation v. Momentive Performance Materials, Inc.* United States District Court for the Middle District of Florida, Ocala Division, Case No. 5:09-CV-491-OC-3261. Deposition testimony 2012.
24. *Morningware, Inc. v. Hearthware Home Products, Inc. and IBC Hearthware Home Products, Inc. v. Morningware, Inc.* United States District Court, Northern District of Illinois, Eastern Division, Case No. 09-4348. Deposition testimony April 2012 and May 2012.
25. *In the Matter of the Arbitration between Bayer Cropscience LP v. Arysta Lifescience North America, LLC*, FIFRA Case No. 16-171-Y-00706-09. Arbitration testimony 2011.
26. *nVision Global Technology Solutions, Inc. v. Cardinal Health 5, LLC.* United States District Court Northern District of Georgia, Atlanta Division, Civil Action No. 11-cv-00389-WSD. Deposition testimony 2011.
27. *Diana M. Buell v. Washington Hospital Center Corporation.* United States District Court for the District of Columbia, Civil Action No: 1:08-cv-00680-RVW. Trial testimony 2011.
28. *In the Matter of the Arbitration between Vischim S.r.L. and Arysta LifeScience North America, LLC*, FIFRA Case No. 16 171 0094 08. Arbitration testimony 2010.
29. *Agrigenetics Inc., d/b/a Mycogen Seeds v. Pioneer Hi-Bred International, Inc.* United States District Court for the Southern District of Indiana, Indianapolis Division, CA No. 1:08-cv-0802-RLY-TAB. Deposition testimony 2010.

30. *Application of MobiTV*, CA No. 09-7071 (DLC), related to *United States of America v. ASCAP*, Case No. 41-1395 (WCC), United States District Court for the Southern District of New York. Trial and deposition testimony 2010.
31. *Application of AT&T Mobility LLC*, CA No. 09-7072 (DLC), related to *United States of America v. ASCAP*, Case No. 41-1395 (WCC), United States District Court for the Southern District of New York. Subject matter: economic analysis relating to copyright fees. Deposition testimony 2010.
32. *Application of Cellco Partnership d/b/a Verizon Wireless*, CA No. 09-7074 (DLC), related to *United States of America v. ASCAP*, Case No. 41-1395 (WCC), United States District Court for the Southern District of New York. Deposition testimony 2010.
33. *Application of Ericsson Inc.*, CA No. 09-7076 (DLC), related to *United States of America v. ASCAP*, Case No. 41-1395 (WCC), United States District Court for the Southern District of New York. Deposition testimony 2010.
34. *In the Matter of the Arbitration between Acetochlor Registration Partnership and its Partners, Dow AgroSciences LLC and Monsanto Company v. Agan Chemical Manufacturers, Ltd. and Drexel Chemical Company*, AAA Case No. 16 171 Y 00210 08. Arbitration testimony 2009.
35. *Laureate Education, Inc. v. Raph Appadoo*, Case No. 24-C-08-001479. Deposition testimony 2009.
36. *American Patent Development Corporation, LLC v. Movielink, LLC*. United States District Court for the District of Delaware, Civil Action No. 07-605-JJF. Deposition testimony 2009.
37. *American Mensa, Ltd. v. Inpharmatica, Ltd. v. BioFocus DPT, Ltd.* United States District Court for the District of Maryland, Civil Action No: 1:07-cv-3283. Trial testimony 2009, deposition testimony 2008.

Publications

Vanderhart J. “Disgorgement in Intellectual Property Litigation,” ABA Section of Litigation, Commercial and Business Litigation Newsletter, Summer 2020.

Vanderhart J. “Country Risk and Valuation in Cross-Border Litigation,” ABA Section of Litigation, Commercial and Business Litigation Newsletter, Spring 2019.

Vanderhart J. “Recent Ruling on Apportionment and the Entire Market Value Rule,” ABA Section of Litigation, *Sound Advice*, June 2019.

Vanderhart J. “Intellectual Property Damages – Using the Book of Wisdom,” ABA Section of Litigation, Commercial and Business Litigation, Intellectual Property Litigation Newsletter, Spring 2017.

Vanderhart J. “Gatekeeping – A Comparison of Practices in U.S. Domestic Litigation and Arbitration,” ABA Section of Litigation, Section of Expert Witnesses Newsletter, Fall 2016; reproduced in *The International Dispute Resolution News*, Fall 2017.

Vanderhart J. *et al.* “Lost on the Way to *Chorzów*: Have Arbitrators Just Been Paying Lip Service to the PCIJ’s Seminal Case in their Damages Analyses?” *Investment Treaty Arbitration*

and International Law. Eds. Ian A. Laird, Borzu Sabahi, Frédéric G. Sourgens and Todd Weiler, Juris 2016.

Vanderhart, J. “Proving Damages,” *Calculating and Proving Damages*. Eds. Kristopher A. Boushie, Christopher H. Spadea and Martin F. Cunniff. Law Journal Press, 2011, updated 2014 and 2016.

Vanderhart J. “Allocation Still the Focus for Patent Damages Experts,” ABA Section of Litigation, Practice Points, March 2016.

Vanderhart J. “Economic Damages. Intellectual property disputes in international arbitration – Compensation issues in recent investor-state claims,” GAR, *The Arbitration Review of the Americas* 2016.

Vanderhart J, “Recent Court Decisions Involving RAND Royalties,” ABA Section of Intellectual Property Law, *Sound Advice*, May 2015.

Vanderhart J. “Getting the Information Needed to Prove Convoyed Sales,” ABA Section of Intellectual Property Law, *Sound Advice*, April 2015.

Vanderhart J. “Recent Daubert Challenges to Intellectual Property Damages Analyses,” ABA Section of Litigation Commercial and Business Litigation, News & Developments, January 2015.

Vanderhart J. “CSIRO v. Cisco: The Court as the Damages Expert,” ABA Section of Litigation Expert Witnesses, News & Developments, September 2014.

Vanderhart J. “Nash Bargaining Solution – A Need to Educate the Courts,” ABA Section of Litigation Intellectual Property, *News & Developments*, April 2014.

Vanderhart J. “Apple v. Samsung—Try, Try, Try, and Try Again,” ABA Section of Litigation Expert Witnesses, *News & Developments*, March 2014.

Vanderhart J. “F/RAND - The Economic Incentives and a Discussion of Microsoft v. Motorola,” Forensic and Litigation Consulting Insights, FTI Consulting, Summer 2013.

Vanderhart J, McCann C, Morton C, Geneiser L. “Patent Reform is Here: How You Can Use It To Your Company’s Advantage,” International Water Conference Technical Paper, November 2011.

Vanderhart J. “The Economic Incentives of Open-Source Software,” ABA Section of Litigation Intellectual Property Litigation Newsletter 2011; 23(1).

Vanderhart J, Villarraga M, Ong K and Schafer L. “Changes in the Patent Landscape: Legislative Bills and Judicial Decisions – How They Affect Life Sciences and Other Industries,” Exponent Health and Science Newsletter, June 2011.

Vanderhart, J. “Economic Modeling and Litigation Damages – Courts’ Acceptance of Regression Analysis,” Invotex Group Litigation Perspectives Newsletter, Summer 2010.

Vanderhart J, Estabrook J, Weinstock A. “Crossing the Border: International Issues that affect IP litigation,” Intellectual Property Litigation Newsletter 2007; 19(1).

Vanderhart J (contributor). ABA Section of Antitrust Law, *Econometrics*, 2005.

Presentations

- Vanderhart J. “IP Damages Theories and the Supreme Court on Disgorgement,” LES Virtual Presentation, October 2020.

- Vanderhart, J, San Roman, Adriana, Breakfast session organized by the Commission on Arbitration & ADR of ICC Mexico featuring the work of ICCA’s Task Force on Damages in International Arbitration, March 2019.
- Vanderhart, J, Pabón-Aguedelo C, Hanessian G, Senechal T. “A New Rigor in the Approach to Damages in International Arbitration: the New ICCA-ASIL Damages Web App,” Conference on International Arbitration and Mediation, November 2018.
- Vanderhart J, Crenshaw S, Holzen S, Jarosz J, Stec Jeffrey. “2018 Patent Damages Symposium,” LES D.C. Chapter, September 2018.
- Vanderhart J and ICCA-ASIL Damages Task Force. “The Life Cycle of a Damages Case,” Seminar on Damages, ICCA-ASIL Task Force on Damages in International Arbitration, Task Force Member, April 2017.
- Vanderhart J, Holt K, Holzen S, Morris R, Vigil R. “2017 Patent Damages Symposium – Advanced Topics & Current Issues,” LES D.C. Chapter, February 2017.
- Vanderhart J, “Dispute Resolution in Cuba,” Thompson Hine Presentation and Webinar – Navigating Commercial Opportunities in Cuba, July 2016.
- Vanderhart J and Droulers D. “Dispute Resolution in International Business Transactions,” Inter-American Bar Association Annual Conference, June 2016.
- Vanderhart J, Csordas C and Narayanan A. “Valuation of Your Intangible Assets: Practical Tools and Applications in 2016,” Knowledge Group Webinar, March 2016.
- Vanderhart J and Scudero C. “Rebuttal Reports and the Defense Expert’s Role,” NACVA and CTI’s 2015 Annual Consultants’ Conference, June 2015.
- Vanderhart J. “Lost on the way to Chorzów: have arbitrators just been paying lip service to the PCIJ’s seminal case in their damages analyses?” Juris Ninth Annual Investment Treaty Arbitration Conference, February 2015.
- Vanderhart J, Coyne P, and Davis A. “When the Court Decides Your Reasonable Royalty,” ABA Section of Litigation Roundtable, February 2015.
- Vanderhart J, Sandercock C, Zibas J, and Chen G. “Litigation - What a Relief ... How to Seek Monetary Awards, Injunctions, and Other Remedies”, AIPLA 2014 Spring Meeting, May 2014.
- Vanderhart J, Purdue G, and Lazinski M. “Patent and Early Stage Technology Valuation: Pitfalls and Best Practices”, LES Mid-Year Meeting, March 2014.
- Vanderhart J. “Apportionment in Patent Damages – Nash Bargaining Solution and Conjoint Analysis”, Crowell & Moring IP CLE Luncheon, March 2014.
- Vanderhart J. “Apportionment in Patent Damages – Nash Bargaining Solution and Conjoint Analysis”, Rope & Gray IP Master Class, February 2014.
- Vanderhart J and Frankel K. “Standard-Essential Patents: The Licensor's First-Offer Risk and an Update on Calculating RAND Royalties”. LES Greater Washington, DC Chapter Meeting, February 2014.
- Vanderhart J, Collins D, Marion C, and Tecche F. “Trade Secret and Non-Complete Issues Arising from the Rogue Employee”. ABA Regional CLE Seminar, February 2014.
- Vanderhart J. “Apportionment in Patent Damages – Nash Bargaining Solution”. Oblon Spivak Lunch Presentation, January 2014.

- Vanderhart J. RAND, SEPs, ITC, DOJ, the USPTO and the Obama Administration. Licensing Executives Society Washington, DC and Northern Virginia Chapter Meeting, October 2013.
- Vanderhart J. F/RAND – The Economic Incentives and a Discussion of Microsoft v. Motorola. Licensing Executives Society Washington, DC and Northern Virginia Chapter Meeting, July 2013.
- Vanderhart J. What’s the Damage? An Update on Patent Damages. AIPLA Spring Meeting, May 2013.
- Vanderhart J, McCann J, Martin M, and Hernandez C. When Your R&D is No Longer a Trade Secret: Litigating and Calculating Damages, ABA Section of Litigation Conference, April 2013.
- Vanderhart J, McCann C, Morton C, and Geneiser L. Using Patents to Monetize Innovative Ideas. International Water Conference, November 2011.
- Vanderhart J, McCann C, Morton C, and Geneiser L. Patent Reform is Here: How Can You Use It to Your Company’s Advantage. 3rd International Water Innovations Alliance Conference, September 2011.
- Vanderhart J. Making Sense (or not) of the Latest Trends in Reasonable Royalty Damages Calculations. Licensing Executives Society, Washington DC Chapter Meeting, June 2011.
- Vanderhart J, McCann C, Morton C, and Geneiser L. Effective Use of Patents to Raise Capital and Protect R&D. Dayton Water Conference, Water Innovation Alliance, May 2011.
- Vanderhart J, Demchick N, and Brown L. The Valuation Process and Accounting Services. 2008 Maryland Business and Accounting Expo, June 2008.
- Vanderhart J (discussant). Current Issues in Antitrust. Southern Economic Association Meeting, July 2003.
- Vanderhart J. Quality Signals in Motion Picture Advertising. Industrial Organization Lecture Series, Texas A&M University, April 2000.
- Vanderhart J. The Consistency of Advertising and Word of Mouth Information in Movies. Lonestars Economic Conference, September 1997.

Professional Associations

- American Economic Association
- American Society of International Law, Immediate past co-chair of IP Interest Group
- American Bar Association, Chair of IP Litigation Subcommittee
- Licensing Executives Society, Vice-Chair of DC Chapter