

Melissa A. Bennis, CPA

Melissa A. Bennis is a Director at Davis & Hosfield Consulting LLC. Her focus is on providing damages related expert testimony and consulting services to corporate clients and their counsel primarily for intellectual property related disputes.

Melissa has been retained as an expert witness on damages in a variety of business disputes and provided financial and economic consulting services to clients on a myriad of dispute engagements. She has conducted complex financial analyses and created multi-layer damages models involving lost sales, lost profits, reasonable royalty, incremental profits, fixed and variable costs, price erosion, unjust enrichment and prejudgment interest. She has also prepared reports reflecting professional opinions in these respective areas, and has assisted trial lawyers in developing discovery by analyzing financial issues, developing strategy, preparing interrogatories and document requests, participating in the depositions of witnesses, and preparing demonstrative exhibits for trial.

Melissa's case experience spans a broad array of industries including aerospace, agrosience, automotive, bar coding, biotechnology, cable television, call processing, carpet fiber, cellular phones, chemicals, computer software, consumer products, e-commerce, electronics, food processing, home appliances, industrial equipment, lawn care, military equipment, molecular diagnostics, mortgage lending, municipal waste management, navigational devices, pest management, pharmaceuticals, power tools, publishing, semiconductors, smartphones, surgical equipment, and transportation. Her cases have involved a variety of claims, including:

- Antitrust
- Breach of Contract
- Dealer Termination
- Fraud
- Wrongful Termination
- Patent Infringement
- Copyright Infringement
- Trademark Infringement
- Trade Secret Misappropriation
- Unfair Competition

Melissa's non-dispute financial experience includes assisting a telecommunications company with an analysis of its existing license agreements, consulting on the economic aspects of long-term contracts of airport concessionaires, as well as assisting a major consumer products company in the development of intellectual property strategies and determining the value, importance and future potential of all technology, R & D, equipment and other IP for purposes of tax liability in its acquisition.

Expert Witness Experience

Eazypower Corporation v. Jore Corporation

- Patent infringement matter involving power tool accessories. Deposition: 2012. Expert report: 2009.

Exmark Manufacturing Co., Inc. v. Briggs & Stratton Power Products Group, LLC and Schiller Grounds Care, Inc.

- Patent infringement matter involving commercial lawn mowers. Expert report: 2012.

Southern California Gas Company v. Syntellect, Inc.

- Breach of contract analysis related to indemnification contract provision. Deposition: 2011. Expert reports: (2) 2011.

LadaTech, LLC v. Illumina, Inc. and Solexa, Inc.

- Commercial success analysis related to gene sequencing technology. Deposition: 2011. Expert report: 2011.



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Conxall Corporation v. ICONN Systems, LLC, et al.

- Trade secret misappropriation involving custom connector products. Expert report: 2011.

Elliott Equipment Company, Inc. v. Navistar, Inc.

- Breach of contract in a dealer termination matter. Expert report: 2010.

Eppendorf AG, Eppendorf Array Technologies S.A. and Eppendorf North America, Inc. v. Nanosphere, Inc.

- Patent infringement matter involving molecular diagnostics testing devices. Expert reports: (2) 2010.

Dwyer Instruments, Inc. v. Sensocon, Inc. and Tony E. Kohl

- Trademark, trade dress and copyright infringement, unfair competition and false designation of origin involving pressure gauges. Expert report: 2010.

BarTex Research, LLC v. FedEx Corporation, et al.

- Patent infringement matter involving bar coding technology. Deposition: 2009. Expert report: 2009.

Antonio Lewis v. Chicago Extruded Metals Company

- Calculation of lost wages due to claims of race discrimination and retaliation. Expert report: 2008.

Fast Food Gourmet, Inc. v. Little Lady Foods, Inc. and Kraft Foods Global, Inc.

- Trade secret misappropriation matter involving frozen pizza. Deposition: 2007. Expert reports: (2) 2007, 2008.

Tokai Corp. and Scripto-Tokai, Inc. v. Newell Rubbermaid Inc. and Irwin Industrial Tool Company

- Patent infringement matter involving household utility lighters. Deposition: 2006. Expert report: 2006.

Deborah R. Perry v. Samuel Bodman, Secretary, United States Department of Energy

- Calculation of lost earnings, front pay and lost retirement annuity resulting from a claim of age discrimination. Expert report: 2006.

Sandra Lozado-Boulware v. John W. Snow, Secretary, Department of the Treasury

- Lost earnings and wages due to claims of unlawful termination for race, gender, national origin and retaliation. Expert report: 2004.

Calculation of Presumed Economic and Non-Economic Loss on behalf of the family of Mr. Victor Wald (New York, New York)

- Calculation on behalf of the family of Mr. Victor Wald as a result of his death in the September 11, 2001 terrorist attacks at the World Trade Center. Expert report: 2002.

Other Expert Witness Retentions

- Patent infringement matter in the automotive industry (2012).
- Patent infringement matter in the software industry (2012).
- Patent infringement matter in the toy industry (2012).
- Patent infringement matter in the semiconductor industry (2012).
- Breach of contract matter in the health care industry (2011).
- Patent infringement matter in the pharmaceutical industry (2011).
- Patent infringement matter in the semiconductor industry (2011).
- Patent infringement matter in the pharmaceutical industry (2011).
- Patent infringement matter in the pharmaceutical industry (2011).
- Patent infringement matter in the pharmaceutical industry (2010).
- Patent infringement matter in the transportation industry (2008).
- Patent infringement matter in the transportation industry (2007).
- Patent infringement matter in the cosmetics industry (2007).
- Trademark infringement matter in the retail clothing industry (2007).
- Patent infringement matter in the food industry (2006).
- Patent infringement matter in the utilities industry (2006).



Select Engagement Experience

Patent Infringement Matters:

- Kruse Technology Partnership v. Daimler AG; Mercedes-Benz USA LLC; Detroit Diesel Corporation; Western Star Truck Sales, Inc.; Volkswagen AG' Volkswagen Group of America, Inc.; Chrysler Group LLC; Daimler Trucks North America LLC; Mercedes-Benz U.S. International, Inc. and Daimler Vans Manufacturing LLC
- Triangle Software, LLC v. Garmin International, Inc.; TomTom, Inc.; Volkswagen Group of America, Inc.; and Westwood One
- Mformation Technologies, Inc. v. Research In Motion Limited and Research In Motion Corporation
- Osmose, Inc. v. Arch Chemicals, Inc., Arch Wood Protection, Inc., Arch Treatment Technologies, Inc., Cox Industries, Inc., Rocky Top Building Products, Inc., and Madison Wood Preservers, Inc.
- WiAV Solutions LLC v. Motorola, Inc., et al. (on behalf of defendant Nokia Corporation and Nokia Inc.)
- Semiconductor Energy Laboratory Co., Ltd. v. Samsung Electronics Co., Ltd.; S-LCD Corporation; Samsung Electronics America, Inc.; Samsung Telecommunications America, LLC and Samsung Mobile Display Co., Ltd.
- Honeywell International Inc. and Honeywell Intellectual Properties Inc. v. Nikon Corporation, et al. (against defendants FUJIFILM Corporation and FUJIFILM U.S.A., Inc.)
- Honeywell International Inc. and Honeywell Intellectual Properties Inc. v. Nikon Corporation, et al. (against defendants Samsung SDI Co., Ltd and Samsung SDI America, Inc.)
- Ronald A Katz Technology Licensing LP v. TD Banknorth Inc. et al (on behalf of defendants Dillard's Inc. and Dillard Investment Co Inc.)
- Ronald A. Katz Technology Licensing, L.P. v. Ahold USA Inc. et al (on behalf of defendants Ahold USA Inc., Stop & Shop Supermarket Company LLC, Giant Food Stores LLC and Giant Food Inc.)
- Ronald A. Katz Technology Licensing, L.P. v. Time Warner Cable Inc. et al (on behalf of defendant AOL LLC, Compuserve Interactive Services Inc. and Netscape Communications Corporation)
- Ronald A. Katz Technology Licensing, L.P. v. Time Warner Cable Inc. et al (on behalf of defendant Charter Communications Inc., Charter Communications Holding Company LLC, Charter Communications Operating LLC and Charter Communications Entertainment I LLC)
- Ronald A. Katz Technology Licensing, L.P. v. Time Warner Cable Inc. et al (on behalf of defendant Time Warner Cable Inc., Time Warner NY Cable LLC and Time Warner Entertainment Company LP)
- Ronald A. Katz Technology Licensing, L.P. v. Humana, Inc (on behalf of defendants Humana, Inc. and Humana Military Healthcare Services, Inc.)
- Repligen Corporation and the Regents of the University of Michigan v. Bristol-Myers Squibb Company
- Solvay, S.A. v. Honeywell Specialty Materials, LLC and Honeywell International Inc.
- Abbott Diabetes Care, Inc. and Abbott Laboratories v. Roche Diagnostics Corp. et al.
- Spectralytics, Inc. v. Cordis Corporation and Norman Noble, Inc.
- DE Technologies, Inc. v. DELL Inc.
- Alcon Manufacturing, Ltd. and Alcon Laboratories, Inc. v. Advanced Medical Optics, Inc.
- Maytag Corporation v. Electrolux Home Products, Inc., d/b/a Frigidaire
- Honeywell International Inc. and Honeywell Intellectual Properties Inc. v. Hamilton Sundstrand Corp.
- Advanced Medical Optics, Inc. v. Alcon Laboratories, Inc. and Alcon Manufacturing Ltd.
- Dow AgroSciences LLC v. Crompton Corporation and Uniroyal Chemical Company, Inc.
- Pinpoint Incorporated v. Amazon.com, Inc. et al.
- Syngenta Seeds, Inc. v. Monsanto Company, DeKalb Genetics Corp., Pioneer Hi-Bred International, Inc., Dow Agrosciences, LLC, and Mycogen Plant Sciences, Inc. and Agrigenetics, Inc.
- Milliken & Company v. Interface, Inc. et al.
- T. Andrew Janes v. Bose Corporation
- Greif Bros. Corporation v. American Containers, Inc.
- EAC Operations, Inc. v. City of Chicago
- Honeywell International Inc. and Honeywell Intellectual Properties Inc. v. Solutia Incorporated



- BorgWarner Inc. and BorgWarner Torq Transfer Systems Inc. v. New Venture Gear, Inc.
- TV/Com International, Inc. v. MediaOne of Greater Florida, Inc., Canal Plus Technologies S.A., Canal Plus US Technologies, Inc. and Societe Europeene de Controle d' Acces
- Rambus, Inc. v. Infineon Technologies AG et al.
- MorphoSys AG v. Cambridge Antibody Technology, Ltd.

Trademark Infringement Matters:

- Ferrari S.p.A., Ferrari Idea, S.A. and Mattel, Inc. v. BBurago, S.p.A. and BBurago USA, Inc.

Copyright Infringement Matters:

- Passport Software, Inc. v. Do-it-Best Hardware Wholesalers, Inc.
- Donald D. Harrison, D.C. et al. v. Stephan J. Troyanovich, D.C. and MPA-Media

Trade Secret Matters:

- O'Gara-Hess & Eisenhardt Armoring Company, L.L.C. v. Paul Bartock and Ibis Tek, LLC et al.
- AMP Incorporated and The Whitaker Corporation v. Teradyne, Inc.

General Commercial Matters:

- Ford Motor Company v. Navistar International Transportation Corporation and International Truck and Engine Corporation and Navistar International Transportation Corporation and International Truck and Engine Corporation v. Ford Motor Company
- International Truck and Engine Corporation v. Kile International Trucks, Inc.
- BNSF Railway Company v. J.B. Hunt Transport
- James Harrod v. CFM Corporation and The Vermont Castings Majestic Products Company
- Europe Container Service B.V. v. Sea-Land Service Inc.
- Julian J. Moore v. Department of Veterans Affairs et al.
- Residential Funding Corporation v. DeGeorge Financial Corporation et al.

Employment History

Davis & Hosfield Consulting LLC ■ June 2003 - Present

KPMG LLP - Chicago office ■ May 2002 - May 2003

Arthur Andersen LLP - Chicago office ■ September 1998 - May 2002

Education

Master of Business Administration ■ Northwestern University, Kellogg Graduate School of Management, Accounting, Marketing, Management and Strategy, June 2004

Bachelor of Science ■ University of Illinois at Urbana-Champaign, Finance with an emphasis in Accounting, with Honors, May 1998

Professional Certification

Certified Public Accountant - Licensed, State of Illinois

Publications

Bennis, Melissa A. and Sara D. Rinke. "Communicating with Your Expert Witness." The Woman Advocate. American Bar Association, Section of Litigation, Summer 2009, Vol. 14: (8.)

Professional Affiliations

American Institute of Certified Public Accountants

Illinois CPA Society

American Bar Association (Associate)

Licensing Executives Society

