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PRATEEK SHAH

Managing Director

EDUCATION

UNIVERSITY OF TEXAS, Austin, TX
M.P.A., 2003

UNIVERSITY OF TEXAS, Austin, TX
B.B.A., 2003

UNIVERSITY OF TEXAS, Austin, TX
B.A., 2003

PRESENT POSITION

COHERENT ECONOMICS, Austin TX.
Managing Director, 2021 – Present

PROFESSIONAL EXPERIENCE

THE CLARO GROUP
Managing Director, 2014 - 2021

FINANCE SCHOLARS GROUP
Principal, December 2008 – April 2014

CRA INTERNATIONAL
Senior Associate, July 2007 – November 2008

ERS GROUP
Consultant, June 2005 – June 2007

LECG
Associate, January 2004 - May 2005

Presentations and Publications

Patent and Trademark Damages: The Changing Landscape (with David Harkavy), Austin IPLA Monthly CLE Luncheon, September 27, 2017

Extraterritoriality and the Lanham Act (with Katharine Wagner), Today's General Counsel, May 2017

As Class-Action MBS Litigation Against Underwriters, Issuers Declines, MBS Investors Seek Recoveries from Alternate Sources (with Jimmy Du), Claro Newsletter, Winter 2016

What's Next In Carnegie Mellon Extraterritorial Sales Fight (with David Harkavy), Law360 (December 7, 2015)

The Evolution of Trademark Litigation Related to Keyword Searches (with Jeff Andrien and Doug Heady), Claro Newsletter, Spring 2015.

The \$1.5 Billion Patent Fight: The CAFC's Decision Regarding Extraterritorial Sales, (with David Harkavy), Claro Newsletter, Summer 2015.

"The Four Stages of Lead Partner Relationship Development" (with Chris Paskach and Jeff Andrien), Claro Newsletter, Summer 2015.

Watch Your Swaps and Derivatives Termination Payments (with Michael Sadler), Law360 (June 10, 2013)

Introduction to Interest Rate Swaps and Their Termination Under the 1992 Master Agreement, FSG Insights 2012 Summer Issue (2012)

The State of New York vs. Ernst & Young: Putting Lehman's Accounting for "Repo 105" Transactions on Trial (with Terry Lloyd), Basics of Accounting for Lawyers (2012 edition), Practising Law Institute

Understanding Financial Statements, 2009 CLE Program, Austin Young Lawyers Association, Austin, TX

Understanding Financial Statements, 2009 CLE Program, Fulbright and Jaworski, Austin, TX

Testimony and Expert Reports

Robin DeSimio et al v. Andrea Lynn Kell et al, District Court of Washington County, Texas, Cause No. 33881, Expert Report (August 22, 2008)

In re: Chapter 11 BJ Services, LLC et al., United States Bankruptcy Court for the Southern District of Texas Houston Division, Case No. 20-33627(MI), Expert Report (September 15, 2020), Deposition (September 18, 2020)

Nelia Cruickshank v. Daniel Ogbonna et al, District Court of Harris County, Texas 281st Judicial District, Cause No. 2020-64885, Expert Report (March 26, 2021), Deposition (April 14, 2021), Trial (June 17, 2021)

Engagements as Lead Expert

Engaged as a damages expert for a trademark infringement litigation by an international gas station/convenience store chain. Case settled prior to issuing report.

Engaged as forensic accountant by a retail shoe store chain to investigate possible fraud committed by the former CFO. Engagement was pre-litigation.

Assisted in the due diligence process for a potential litigation funding investment. Engagement involved valuing a small, family-owned technology company to be used as collateral for funding provided.

Valued a privately held UX design firm for the purpose of granting stock options to potential hires. Non-litigation engagement.

Selected Consulting Engagements

Intellectual Property

Evaluated reasonable royalty damages in a patent infringement dispute involving blade server technology.

Evaluated antitrust liability and provided damages assessments for a case involving antitrust, Lanham Act, and patent infringement claims for the hand-held leak detector products.

Quantified damages related to breach of contract and misappropriation of trade secrets claims in the fiberglass sucker rod industry.

Assessed damages associated with the Defendants' counterclaim of trademark bullying.

Quantified damages as a result of claims of trade secret misappropriation, breach of contract, and tortious interference in the market for nutraceuticals.

Evaluated damages issues in a class action lawsuit alleging false advertising in the single-serve instant and micro-ground coffee industry.

Quantified damages due to infringement of patented features in business intelligence software.

Analyzed liability and damages issues in a Lanham Act proceeding involving two medical device companies who manufacture products for laparoscopic surgery.

Analyzed claims of customer confusion and brand dilution in a trademark infringement case involving a major oil and gas company and a large media/entertainment company. Case settled prior to trial.

Evaluated liability and damages in a trademark infringement suit involving an online nostalgia company.

Examined issues related to causation and determined damages on behalf of defendant Sturm Foods who was accused of trademark and trade dress infringement, as well as false advertising related to the sales and marketing of single-serve coffee cartridges for use with Keurig brewers.

Addressed deficiencies in the plaintiff's expert's report related to causation and quantification of unjust enrichment as a result of TGIF's alleged infringement of Stripes' trademark.

Determined reasonable royalty, lost profits, and price erosion damages for a patent infringement case involving produce bag technology.

Assessed reasonable royalties due to a pet food manufacturer as a result of alleged patent infringement.

Assessed damages for a generic pharmaceutical company that was allegedly prevented from entering an antibiotic market due to fraudulently obtained patent protection by the branded company.

Financial Markets and Securities

Evaluated the risk management policies and procedures of a GSE in a litigation involving purchase of mortgages from an independent mortgage bank.

Determined damages on due a hedge fund that was induced to make an investment in a syndicated leveraged loan product collateralized by undeveloped real estate based on an allegedly fraudulent/negligent real estate appraisal in two separate cases against the appraisal company and the investment bank involved in the transaction.

Provided litigation support in a six-month trial related to 2008 bankruptcy of Lehman Brothers Inc. and the resulting \$45 billion acquisition by defendant Barclays of its North American broker dealer business. Analysis focused on defending a \$5 billion damages component sought by plaintiffs involving the fair value of certain repo assets that including mortgage backed securities, auction rate securities, collateralized loan obligations and other securitized assets. Of \$5 billion valuation damages sought by plaintiffs, \$0 damages were awarded.

Evaluated the market efficiency of the stock of a mortgage lender on behalf of the Securities and Exchange Commission (SEC), and quantified the artificial inflation of the stock price and the improper gains made by executives trading based on inside information. Case was settled for the largest penalty ever paid by a senior executive of a public company in an SEC settlement.

Quantified damages related to a tortious interference claim on behalf of a hedge fund against a major bank, including the valuation of a portfolio of natural gas and oil derivatives.

Evaluated the market efficiency of and inflation in the price of ADR's of a Brazilian food processing company for the purposes of class certification. Class was certified.

Calculated the termination payment for a portfolio of interest rate swaps determined based on the Loss method as defined in the 1992 International Swaps and Derivatives Association Master Agreement.

Analyzed allegedly fraudulent structured finance transactions and their effect on a company's securities to determine damages to stakeholders in two separate cases in the energy and telecommunications industries.

Assessed mutual fund trading activities of alleged market timers and late traders for the SEC. Case was the first mutual funds timing case to go to trial and resulted in a conviction for the SEC.

Valued the amount of inflation in a company's stock price caused by the dissemination of allegedly incorrect information into the market.

Evaluated the fairness of executive compensation and the consulting agreements and loans between a company and its majority shareholder in a lawsuit brought by holders of the company's preferred stock.

Valuation

Valued a privately-held UX design firm for the purposes of stock option grants to key employees.

Valued a herd of highly prized Japanese cattle in a breach of contract and antitrust dispute.

Valued the intellectual property assets of a neuro-marketing company for the purposes of an acquisition.

Valued the expected outcomes of the FCC Incentive Spectrum Auction under different participatory strategies. Issues related to irreparable harm to a television company in the event that it was precluded from participating in the auction by a minority shareholder.

Valued a subordinated, non-controlling interest in a privately held investment management firm.

Valued an independent oil and gas exploration company with offshore interests in the Gulf of Mexico.

Valued a closely held family partnership with a controlling interest in a Fortune 100 company for the purposes of an estate tax dispute.

Valued a regulated gas pipeline in the U.S. and Canada and calculated the diluted ownership percentage of a partner that did not participate in the expansion of the pipeline.

Valued a hotel in Hawaii and allocated the value amongst various assets, including the real property and intangible assets.

Antitrust

Quantified antitrust and commercial damages related to claims of collusion and breach of contract in the market for compounding pharmacies.

Evaluated claims of an economic subsidy allegedly provided by Ontario's provincial government to lumber producers via subsidized stumpage rates in upstream timber markets.

Analyzed claims of price discrimination by a furniture manufacturer between two furniture retailers.

Evaluated damages due as a result of an alleged abuse of market power to in the securities clearing industry.

Evaluated damages arising from antitrust claims related to interchange fees against a major credit card issuer.

Commercial Damages/Other

Evaluated damages arising from claims of fraud, breach of fiduciary duty, and breach of contract in a dispute involving open source firewall and router software.

Assessed “negotiating damages” resulting from the alleged breach of a settlement agreement related to a prior trademark dispute.

Evaluated damages arising from claims of breach of fiduciary duty and fraud in the market for the booking of celebrity speakers.

Quantified damages related to breach of contract and fraud in the market for distressed residential mortgages.

Quantified damages in a case involving breach of contract claims between two drug development companies.

Evaluated issues related to irreparable harm and balance of equities related to a preliminary injunction motion in a case involved claims of deceptive patent infringement in the consumer electronics market.

Quantified class action damages related to claims of deceptive and misleading trade practices in the medical device industry.

Evaluated issues related to class certification and damages in a case involving excessive fees paid by borrowers related to certain mortgage-related valuation services.

Quantified damages as a result of false and misleading advertising in the market for medical devices for laparoscopic surgery.

Evaluated the use of multivariate regression analysis to establish causation in a case involving allegations of discrimination the lending industry (reverse mortgages).

Evaluated the financial condition of company in the subprime auto loan industry, including the impact on the company’s financial condition of a leveraged buyout transaction. Additionally, valued the notes issued by the subject company as part of the leveraged buyout transaction.

Quantified damages in a suit and countersuit involving claims of antitrust, breach of contract and fraudulent inducement in the ranching and beef production industry. Analysis included the valuation of a herd of specialty Japanese cattle.

Evaluated the appropriate “cram down” interest rate on loans in a bankruptcy proceeding.

Evaluated the impact of a decision by the management of a parent company (involved primarily in title insurance) to fund cash flow shortages of a subsidiary providing services for Section 1031 exchanges. Damages analysis included the valuation of various subsidiaries involved with the issuance of title insurance.

Evaluated damages claim in a breach of contract case involving the licensing of patented technology in the cosmeceutical industry.

Engaged to quantify damages due a hedge fund as a result of the failure of an attempted securitization of life settlement policies due to misrepresentations made by the procurer of the policies in the secondary market.

Performed due diligence on investment and divestiture decisions made by a private equity firm in response to claims of breach of fiduciary duty, gross negligence and negligence related to certain loss making investments.

Performed a fraudulent transfer and preference analysis in a bankruptcy involving gas marketing companies.

Performed analyses related to class certification issues in a class action lawsuit against a large gas processing company.

Analyzed the hiring practices of a bank to determine the presence of racial discrimination, if any.

Analyzed closing adjustments to financial statements on behalf of a large multinational bank in response to claims of earnings management by the SEC.