

L. Kenneth Rosenthal
Principal
Strategic Innovation Services/SIS
2173 San Tropez Court
Chino Hills, CA 91709 USA

909-628-9890
fax: 909-628-9501
cell: 909-636-8251

email: KenR@Diamondipi.com

www.Diamondipi.com

CV/2014

L. Kenneth Rosenthal, principal of Strategic Innovation Services (SIS), has provided cost effective Intellectual Property (IP) Investigations and Strategies to attorneys, corporations, entrepreneurs, and individuals involved in and/or contemplating IP litigation, licensing, and IP/new product strategy development since the company's founding in 1980.

Professional Employment:

1980 to present: Principal of SIS. Successful completion of over 300 custom assignments, both nationally and internationally, for IP law firms, companies, entrepreneurs, innovators, and others relating to their IP and new product needs. Assignments have included issues relating to patents, trademarks, copyrights, trade secrets, and new product development services.

1983 to 1990: Acting Head of the University of Southern California (USC) Office of Patent and Copyright Administration (OPCA). As first full time employee of OPCA, directed the administration and licensing of nearly all the IP developed at USC with its 8000 faculty, 30,000 students, and \$150 million annual federal funding. Hired and managed with nearly all major LA and other IP firms the prosecution of the USC IP. Developed the marketing and licensing program for USC, and successfully licensed several multi-million dollar patent license agreements. Represented USC at national and international conferences of IP licensing, administration, and marketing. Developed and presented on USC TV to Fortune 1000 companies an eight hour class with 250 page book. Managed at staff of over 10 professionals (including graduate students). During my tenure, the OPCA of USC was regarded as one of the top university IP offices in the US. Mastered for IP purposes most advanced technologies and scientific subjects in various medical fields, engineering areas, and other academic areas. Currently, still perform some work for selected faculty members.

FOR OVER 30 YEARS , expert witness in IP (Intellectual Property—patent, trademark, copyright) litigation. Market research, tradeshow research (national and international) in over 300 cases. Depositions, trial testimony—both jury and non-jury—in federal and state court. My work has results in very favorable results for client—IP firm and company—several times. My expert reports have been relied on by judges and published. Various industries, and many special assignments where the IP firm could not find the right expert.

1994 to Present: M and K Construction and Development, President (license B-691797), Chino Hills, CA : As a result of work for over 5 years with IP law firms on construction product cases, M and K provides complete high tech planning, development, and construction of modern homes with leading edge construction and furnishing products. One project which took 2 years to plan and 2 years to build, a 7500 square foot home, has been featured in the Magazine Audio Video Interiors (July, 1996), and on the cover of On Design, The To-The-Trade Design & Home Furnishings Source Magazine (Fall, 2002). Refer to www.modernhome1.com (Pictures clicked to enlarge.) Consulting assignments to high end home builders and owners include studies and strategies for advanced home theatre, security electronics, home

automation, “above code construction practices”, landscape and pool design, specialty furniture sourcing and design, contractor and subcontractor strategies, and selection of advanced lighting, plumbing, and energy saving mechanical systems. Attendance at various professional building shows including several NAHB (home builders), PCBC (regional home builders), High Point (national and international furnishings and accessories) , Milan Furniture Show, Hospitality Design Expo (resort and casino design and products) , Canton Fair, Pool and Spa Expo, International Shopping Center Expo, Kitchen and Bath Show, Maison de Objet (Home and Objet) Show in Paris, IMM Furniture Show in Cologne, Germany, Ambiente Show in Frankfurt, NRA—National Restaurant Show in Chicago, Natural Products Expo West in Anaheim, Night Club and Bar Show in Las Vegas, ASLA show, AIA show.

Summer, 1982, President of Astralvision, Hollywood, CA. During this unusual summer job between the first and second year of my USC MBA program, I designed and manufactured 1.5 million 3-D glasses during the TV 3-D glass fad. Became president of this company with 12 employees, and cashed out my equity to return to the MBA program in the fall.

1979 to 1981: Optical and Electronics Engineer, and Patent Agent, Information International (III), Culver City, CA . Designed optical and electronic systems for large scale machines used to print major newspapers and magazines for III, a \$30 million public company. Met with vendors, assisted in procurement of parts, and participated in R and D lab to assemble new electro-mechanical-optical devices and power supplies. As patent agent, performed patent searches, assisted in IP litigation and prosecution with outside IP firm. Worked with the special effects computer animation group for the Disney movie Tron.

1978 to 1981, and consulting to present: Audio Video Engineer and Designer, and Marketing Manager, Ametron, Hollywood, CA. Designed, installed, and marketed custom customer and industrial audio, video, power supplies, and electronics security products for residential, entertainment, and corporate clients for this private \$10 million per year, 50 employee company. Attended CES (consumer electronics), former COMDEX show (computer), ISC (security), NAMN (music merchants), WESCON (electronic parts), Hanover Show in Germany (largest industrial fair in the world—2x) , Light Fair (residential and commercial lighting) , LDI (lighting for events), IAAPA (amusement parks), G2E

(Gaming Show, Las Vegas), JCK Show in Las Vegas (Jewelry), LA Auto Show, and other shows to stay up to date with latest technology, and still attend, on occasion these technical trade shows. Other recent trade shows in include IMM (furniture) in Cologne, Germany, Maison de Objet in Paris (Home and Object), Ambiente in Frankfurt, Germany (Gift), NRA—National Restaurant Show, Chicago, Night Club and Bar Show, Various Beauty (IECSC) and Cosmetics Shows, Digital Sign Expo , Exhibitor Show, IHRSA Exercise Equipment Show, SEMA Show, IMEX America, Basel World in Switzerland, Prolight and Sound Show in Frankfurt, Heli Expo, SPIE.

1975 to 1977, Electrical Engineer and Physicist, Rockwell International Space Division, Downey, CA. First position after graduating from MIT where I analyzed the major electronic and mechanical systems of the space shuttle for effects from lightning and EMI. Worked with the public relations office at Rockwell and gave community presentations on the benefits of the space program and the technology spin-offs.

Education Highlights:

1981 to 1983: MBA in Marketing, University of Southern California, USC. Dean's List, June, 1983.

1979: Patent Agent (29697) US Patent and Trademark Office

1971 to 1975: BS in Physics, Phi Beta Kappa (top 10 percent), MIT, Cambridge Massachusetts. Also participated in classes as junior and senior at Harvard. In addition to many advanced physics and math courses, took specialty classes in engineering (electrical, computer, material science, civil, aerospace, and mechanical) , chemistry, biomedical, fluid dynamics, urban planning, oceanography, brain science and perception, and solar energy. Special research projects with Professor Harold Edgerton of EE department (Xenon flash tubes), Professor John Staler of Earth Sciences Department (head flow studies near Azores and Woods Hole Oceanographic Institute and MBL, geophysics), and Professor H. Teuber of Psychology and Brain Science (Motion after-effect studies and optical illusions).

1968 to 1971: University High School, Los Angeles, CA. President of Honor Society, 12th grade, National Science Foundation Scholarship in

Chemistry (one of 48 in US), Varsity Track and Pole Vault (Number One is city in standing broad jump), and Eagle Scout.

Professional Organizations and Memberships (past and present):

LAIPLA (Los Angeles IP Law Association)

LES (Licensing Executive Society)

AUTM (Association of University Technology Managers)

IEEE (Institute of Electrical and Electronic Engineers)

SPIE (Society of Photo Optical and Instrumentation Engineers)

Professional Publications, Patents, and Inventions:

Co-editor and creator of magazine R and D Strategist, the Development and Protection of New Commercial Ideas, published by Auerbach Publishers of New York from Fall, 1990 to Winter 1992. Magazine targeted Fortune 1000 managers in charge of new product development. Published 4 times per year at annual subscription fee of \$250. Four to eight articles (4 to 15 pages) per issue which the other co-editor, a senior patent attorney at a large LA firm, and I edited and/or wrote.

US Patents 4426021, 5165580, and old design patent of which I am the inventor and patent agent. Devices are specialty fountain, water display, and beverage dispenser which was for over 15 years at Tokyo Disneyland (since 1987) and at the Las Vegas Hilton for over 5 years (Star Trek Exhibit, Quarks Bar—technology licensed to Paramount, Hilton Hotels, etc.), as well as at selected trade shows such as the latest WSA (World Shoe Association) during February, 2003, at the largest booth at the show (the 15,000 foot Skechers booth.). A “50 stream 8 foot unit” is currently at Hong Kong Museum of Science. Devices contain custom designed

electronic, optical, and mechanical systems. Next generation patent pending specialty fountain (D10c, Dimension 10 consumer version, levitating waters) under development, and licensed worldwide, with expected market introduction in early 2014. Large D10 installed in 5 star Hotel Romeo in Naples, Italy (20 feet long, 100 magical droplet streams, 4 feet tall)

Shoe Light. Innovative attachable LED based shoe light licensed to (with royalties received) major seasonal product company which sold 97,000 in 2002, with increased sales in 2003/04/05.

Self propelled ladder. www.movingmaxladder.com. Patent pending device was licensed to Allstar Marketing. Assisted in manufacturing sourcing in China, infomercial development. First infomercials and website at end of 2009.

CULD (Close Up Levitation Device). Patent pending device which may float most objects up to 16 ounces with 3D base imaging. Applications for retail, trade shows, and shopping centers.

Selected investigations and assignments for IP law firms and Companies:

2012/2013/2014 Worldwide license to multinational company of my patent pending levitating waters (D10c, Dimension 10 consumer version) consumer product scheduled for worldwide launch on 2014. www.Cashclick.com of which I am a founding and Board of Directors member of Silicon Valley startup, VP of Intellectual Property—company to launch marketing apps (Powerful customer engagement tools) in 2014. Exclusive licensing agent of innovative skin cream of Medical School Professor (USP 7598291). Consultant to entrepreneurs, companies, and others in patent and licensing strategy. Continued market and trade show investigator for various IP firms in IP litigation. My innovative

large scale fountain installed at 5 star Hotel Romeo in Naples, Italy, 20 feet long, 100 streams.

2009/2010/2011 Retained by Midwest firm regarding a trademark valuation matter in electronic distribution/memory modules. Trial in early 2011 in Orange county Superior Court—jury awarded substantial sum to my client based partly on my expert report. Reactivated by Kleinberg and Lerner on trademark matter “actors boot camp” for jury trial and deposition in Los Angeles Superior Court (Judge Stern) which occurred in early 2010. Patent application valuation for pipe repair technology and deposition in 2010. Starting in 2009, and current, VP of Intellectual Property and Board Member for CashKlick (www.cashclick.com), a startup company (based in Silicon Valley and Paris) which has raised “7 figure seed money” to launch “credit cards” with “stored coupons.”

2008: Retained by Greenberg Traurig regarding a toy helicopter patent infringement case (2007/2008). Work in Verona, Italy, and follow up in Ankara, Turkey and Santa Monica. Preparation of extensive report Settled with infringing products destroyed via court order.

2007: Retained by Greenberg Traurig (www.gtlaw.com) and Ultimate Blackjack Tour (UBT, www.playubt.com) relating to internet gaming patent preliminary injunction and infringement issue. UBT is new tournament blackjack game on CBS. In denying plaintiff’s motion for preliminary injunction, Bernard Zimmerman, US Magistrate Judge, stated in his August 22 decision “Plaintiff’s efforts in its papers and at the hearing to undermine defendant’s obviousness argument by attacking the Rosenthal declarations as conclusory or inadequate are not persuasive. In the context of discussing anticipation, Mr. Rosenthal compared the ‘154 patent claims to the prior art in detail. He then drew conclusions as to obviousness based on that analysis. In his supplemental declaration, he referred specifically to claim charts tracking the claims and the teachings, and discussed application of the legal test prior to and post-KSR. While some of plaintiff’s contentions might provide productive cross-examination of Mr. Rosenthal, his opinions raise a

serious question as to invalidity and plaintiff offered no expert declaration to the contrary.”

Retained by Kleinberg and Lerner in a trademark infringement investigation involving the term “Actors Boot Camp.” Prepared detailed study. Ongoing 2007 to 2010 with jury trial expected during 2.10 in Los Angeles Superior Court.

Retained by Skechers to perform market research regarding shoe charms and “plastic type” one piece shoes.

2004: Retained by Igloo Corporation of Texas regarding a new/product and IP technical evaluation of thermoelectric products in a mediation proceeding. Ongoing. Also retained by southern California law firm regarding a patent valuation on bypass oil filter technology. Ongoing. Retained by large southern California furniture company regarding patent strategy on new expandable entertainment systems.

2003: Retained to perform market, technical research, and other expert and investigative services by Sheppard Mullin regarding a patent infringement matter for Brinkmann, Wal-Mart, and Home Depot relating to landscape lighting products with certain LEDs and related optical systems. Ongoing. Retained by Organ patent law firm regarding infringement litigation on powered kayak technology. Ongoing. Retained by small, entrepreneurial southern California firm regarding patent application and strategy work for rear view camera systems for Hummers and other large SUVs.

2002-3: Retained by Pillsbury Winthrop Los Angeles Office regarding a patent infringement case relating to portable electronic power supplies for laptop computers, cell phones, PDAs, and other portable electronic devices. Settled.

2002: Kurt Rylander of Marger, Johnson, McCollom (Portland, OR), for plaintiff, Edwards Family Trust vs. EFDC (Energy Fuel Development

Company), in the Western District of Washington at Tacoma District Court, Patent Infringement and other matters. My client, the plaintiff held USPs on processes for converting waste materials to diesel fuel and had licensed patents to defendants who later tried to invalidate patents and file design around applications. After reviewing the copious materials, I determined that the senior partner representing defendant has made serious errors in understanding plaintiff's patent and claim coverage. According to plaintiff's attorney, my investigation on the technology and patent process and resulting declaration resulted in my client settling for a confidential six figure sum plus royalties prior to trial.

1994 to present: Marshall Lerner of Kleinberg and Lerner, Century City, CA, representing primarily Skechers, a NYSE lifestyle footwear and apparel company. Over 50 investigations in lawsuits involving patent infringement, federal unfair competition, federal antidilution, California unfair competition, California antidilution, Common Law Unfair Competition, trademark infringement (federal and state), tradedress issues, and copyright infringement. My special investigations in these matters resulted in favorable settlements, damage control, substantial savings in litigation costs, valuable market intelligence, and new product IP directions. Several studies contributed the success of the Energy style shoe, Skecher's "big hit." National and International assignments, undercover investigations, counterfeit and market intelligence investigations, trade show and retail investigations, and innovative studies. Declarations and/or written reports in most assignments. During my time working with Skechers, the company grew from annual sales of \$200 million to nearly \$1 billion. According to chairman, IP plays a critical role in company's growth and success.

2001: Parker, Stanbury, Los Angeles, CA representing defendant in Case Leegin Creative Products vs. Kristine Accessories involving patent, trademark, and copyright issues. Market and undercover research, analysis resulting in cost saving on settlement for client in fashion watch product area.

1998: Attorney Gary Hayes of Las Vegas, NV, representing plaintiff in case Granato vs. Ballys, Hilton Hotels (represented by Welsh and Katz of Chicago) in the US District Court of NV. Copyright infringement case where I reviewed copious discovery documents and expert reports. My client had obtained copyright on putting an Eiffel tower figure in front of

casino hotel, and his IP was showed to designers and builders of Paris Hotel in Las Vegas who ignored plaintiff's prior copyright. My innovative analysis on architectural and building similarities contributed toward my client, a small entity, of being able to obtain confidential settlement from large corporate entity prior to trial.

1992: Hughes and Luce Law firm of Dallas, TX representing the specialty entertainment lightning design company Vari-Lite in the case Vari-Lite vs. Syncrolite. Patent infringement and date of invention case centering on identifying exact date of invention and reduction to practice of pioneering light relating to the departure of a former president of the company. After examining documents and my optical engineering and electronics library, I concluded that invention occurred after departure of president, and that key patent claims were fairly broad. My reports contributed to preventing former president from collecting 8 figure demand.

1987: Working for Arant, Kleinberg, and Lerner of Century City, CA and Kelley, Drye, and Warren of NY, NY who represented defendant in trademark infringement case, Gear vs. LA Gear. My innovative trademark market research studies were cited by District Court Judge Charles Haight of the Southern District of NY in his written decision. My deposition was taken by senior partner John Kidd of Pennie and Edmonds who represented Gear. I was scheduled to testify but USC OPCA matters forced me to return early, but my studies contributed substantially to victory of my client, LA Gear (a NYSE company), as cited by Judge Haight.

Mid 1980s: Case, Price Pfister vs. Laloo Manufacturing. Testimony in Superior Court of the State of California, and deposition taken by Mitchell, Silberberg of Los Angeles. My client, Laloo Manufacturing, represented by Kleinberg and Lerner of Century City, CA, was accused of various state IP violations regarding kitchen and bath faucets. For over 4 years, my market studies, trade show visits, national and international (Hong Kong and Taiwan) undercover investigations, IP studies, and other work contributed to valuable damage control for this insurance defense case.

Mid 1980s: Case, Nomadics vs. Portable Exhibit Factory, US District Central Court of California, and the CAFC in Washington DC. My

deposition was taken, and I gave testimony before the late US district court judge, Richard Gadbois, regarding patent issues, engineering and mechanical issues, and certain market issues. The product covered by 4 of plaintiff's patent was a lightweight portable exhibit used at trade shows. Four over 4 years I performed market research for defendant (and attorney Marshall Lerner) at selected trade shows throughout the US, utilized special computer and library data bases in search of prior art, and found additional experts for this insurance defense case. My work contributed to a six figure savings for the insurance company after the CAFC ruled against my client, and settlement negotiations commenced.

Personal:

Hobbies: Professional Magic—worked with David Copperfield and helped design one of his grand TV illusions, the Lear Jet Effect. Professional Magician at Magic Castle in Hollywood during the late 1970s, and remain a member of the organization. Have invented and marketed several professional magic items. One of my magic inventions was a premier effect at the magic shop at Tokyo Disneyland for over 15 years, the Dimension 8. Also magic invention was at Las Vegas Hilton at Quarks Bar as beverage dispenser for over 5 years. Another unit , a “50 stream, 8 foot tall” is currently shown at Hong Kong Museum of Science. My large scale fountain installed at 5 star Hotel Romeo in Naples, Italy (20 feet long, 4 feet high, 100 magical streams). My D10c (Dimension 10 consumer version) patent pending levitating waters licensed to multinational company with worldwide market introduction in 2014. Co-invented and marketed with John Kennedy the close-up effect “Splat” for professional magicians.

Travel Writing: My personal and business trips to 83 countries (and 100s of trade shows) during the last 25 years have resulted in more than a twenty travel articles being published in the magazines Travel Guide, Travel Guide International, and Shoestring Traveler.

Sports: Competitive Tennis, ping pong, swimming, snow skiing, and most adventure sports.

