



**JUSTIN BLOK, MBA, CFE, CLP**

- EDUCATION**
- B.B.A. Finance, Baylor University
  - B.B.A. Risk Management and Insurance, Baylor University
  - M.B.A. Concentration in Finance, University of Houston (Clear Lake)
  - Masters of Accounting – University of North Carolina (Chapel Hill, NC)

- PROFESSIONAL CERTIFICATIONS**
- Certified Fraud Examiner (CFE)
  - Certified Licensing Professional (CLP)

- PROFESSIONAL ORGANIZATIONS**
- Houston Intellectual Property Law Association (HIPLA)
  - Turnaround Management Association (TMA)
  - Licensing Executives Society (LES)

- EXPERIENCE**
- Partner, Whitley Penn LLP (03/17-Present)
  - Managing Director, OverMont Consulting LLC (07/13-02/17)
  - Director, OverMont Consulting LLC (06/09-06/13)
  - Managing Consultant, Navigant Consulting (PI) LLC (09/07-06/09)
  - Senior Associate, CRA International, Inc. (09/03-09/07)
  - Excise Tax Analyst, BP Products North America Inc. (08/02-09/03)
  - Excise Tax Analyst, Arthur Andersen (09/01-08/02)

As a Partner of Whitley Penn, Mr. Blok has served as a testifying expert in federal district and state court matters as well as in private arbitrations involving economic, accounting, valuation and strategic issues. Mr. Blok has testified in a variety of litigation matters involving patent, trademark, and copyright infringement, theft of trade secrets, breach of contract, business valuation, bankruptcy, fraud, business interruption, personal injury, wrongful death, and wrongful termination. He has testified on behalf of both plaintiffs and defendants in the analysis and determination of economic damages, including lost profits, reasonable royalties, price erosion, unjust enrichment, diminution of value and insolvency analyses, valuation, and pre- and post-judgment interest. Mr. Blok has also served as a guest lecturer at the University of Houston Law Center, Baylor University Law Center, and South Texas College of Law covering damages under a variety of claims.

**RANGE OF INDUSTRY EXPERIENCE**

- Oil & Gas
- Oilfield Services
- Semiconductor
- Computer hardware and software
- Computer communication equipment
- Wireless communication equipment
- Automobile Manufacture / Sales
- Pharmaceuticals
- Retail and Consumer Products
- LED Lighting
- Professional Services
- Online Travel Agencies
- Restaurant
- Medical Services / Devices
- Aviation
- Financial Services
- Professional Sports
- Health and Beauty Aids
- Insurance
- Real Estate
- Internet Services Providers
- Internet Marketing
- Satellite / Cable Providers
- Entertainment, Gaming, Hospitality
- Water and Waste Water
- Firearms

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*Austin Office*  
 3600 N. Capital of Texas Hwy.  
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## **RANGE OF BUSINESS EXPERIENCE (EXAMPLES)**

### **Intellectual Property**

- Assisted in a series of patent infringement matters involving multiple manufacturers of wireless networking equipment. The dispute involved the alleged infringement of patents covering various wireless networking technologies, including data management and offloading. Analyses included a review of the companies' licenses, third-party licenses, design-around alternatives, a detailed analysis of accused sales, costs and profits, and the calculation of reasonable royalties.
- Assisted in a patent infringement matter involving a large pharmaceutical company alleged to have infringed patents covering safety syringe technologies. Analyses included a review of the companies' licenses as compared to third-party licenses, design-around alternatives, a detailed analysis of the manufactures sales, costs and profits, and the calculation of lost profits and reasonable royalties.
- Assisted in a patent infringement matter involving a large pharmaceutical company alleged to have infringed patents covering light activated drugs called photosensitizers used to treat a variety of diseases. Analyses included a review of the companies' licenses as compared to third-party licenses, design-around alternatives, a detailed analysis of the manufactures sales, costs and profits, and the calculation of lost profits and reasonable royalties.
- Assisted in a patent infringement matter involving one of the largest computer manufacturers in the world. The dispute involved the alleged infringement of patents covering various search and graphical interface technologies embedded into computers and other electronic devices. Analyses included a review of the companies' licenses as compared to third-party licenses, design-around alternatives, a detailed analysis of the manufactures sales, costs and profits, analysis of marketing surveys conducted on relevant products, and the calculation of reasonable royalties.
- Assisted in a patent infringement matter involving one of the largest semiconductor manufacturers in the world. The dispute involved the alleged infringement of patents covering various multimedia technologies embedded in microprocessors. Analyses included a review of the companies' licenses as compared to third-party licenses, design-around alternatives, a detailed analysis of the manufactures sales, costs and profits, and the calculation of lost profits and reasonable royalties.
- Assisted in a theft of trade secrets matter involving a large activated carbon manufacturer. The dispute involved the alleged theft of certain trade secrets related to the manufacture of activated carbon for emissions reductions at coal-fired power plants. Analyses included a review of the alleged trade secrets, review of the companies' profits and development costs, design-around alternatives, and the calculation of lost profits, unjust enrichment, saved costs, head start advantage, and reasonable royalties.
- Assisted in a theft of trade secrets matter involving the manufacture of ethylene vinyl acetate solar encapsulant products. Analyses included a review of the alleged trade secrets, review of the companies' profits and development costs, and the calculation of lost profits and unjust enrichment.
- Assisted in a theft of trade secrets matter involving the manufacture of digital display units for helicopters. Analyses included a review of the alleged trade secrets, review of the companies' profits and development costs, and the calculation of lost profits and unjust enrichment.
- Assisted in a trademark infringement matter involving two companies in the portable storage industry. Analyses included a review of the trademarks, a review of the profits realized from the improper use of the marks, and the calculation of unjust enrichment, corrective advertising, and reasonable royalties.
- Assisted in a trademark infringement matter involving content delivered by multiple global media companies. Analysis included a review of the profits realized from the improper use of the marks (unjust enrichment) based on the delivery of certain programs/content.
- Assisted in a copyright infringement matter involving a retail furniture chain and its alleged use of copyrighted sales-training manuals. Analyses included a review of the companies' sales, costs, and profits, a review of the copyrighted material, and the calculation of reasonable royalties.

### **Breach of Contract**

- Assisted in a contract dispute in the chapter 11 bankruptcy proceedings involving over 35 debtors in the gaming industry. Analyses included an evaluation of the casino industry throughout the U.S. and the casino operations of the debtors with properties in Atlantic City, Indiana, and Nevada.

- Assisted in a breach of contract matter involving a large petroleum and natural gas exploration and production company. The dispute involved certain affiliate charges that were alleged to be above market and/or contracted rates. Analyses involved a detailed review of audit reports, invoices, and an investigation of market rates in or around various formations for both drilling and fracking.
- Assisted in a shareholder dispute related to several tribal gaming casinos located in Washington and Oregon. Analyses included an assessment of the Washington and Oregon gaming industry and the valuation of multiple casino properties and the interests of certain shareholders.
- Assisted in a breach of contract matter involving a large pipeline operator and construction company. The dispute involved the construction of a natural gas pipeline in the Midwest region of the United States. Analyses included a detailed review of the relevant contracts, construction schedules, invoices, alleged delays and causes, and the calculation of excess costs and lost profits.
- Assisted in a breach of contract matter related to the creation and delivery of media content (television show). Analyses included industry research, a detailed review of television/production agreements, and revenues, expenses, and profits of the subject media content.
- Assisted in a breach of contract matter between two oil field equipment manufacturers. Analyses included industry research, analysis of relevant licenses, valuation of patents in dispute, research on Most Favored Licensee provisions and calculation of contract default damages.
- Assisted in a breach of contract matter involving an employment dispute and the sale of medical equipment. Analysis included a detailed review of the employment contract, employee income, sales by regional / hospital, profitability of medical equipment, and forecasting future sales of medical equipment.
- Assisted in a breach of contract / fraud matter involving a surgical hospital and the alleged mismanagement of said facility. Analysis included a detailed review of third party cost reimbursement policies and practices; an evaluation of GPO contracts and pricing; and an evaluation of Medicare / Medicaid cost reimbursement policies and practices.
- Assisted in a breach of contract matter involving an assisted living facility. The dispute involved the design of a new secured facility built to house occupants that require an enhanced level of care for management of Alzheimer's disease or other memory-related conditions. Analyses included a detailed review of the relevant contracts, occupancy rates, revenues and expenses, alleged delays and causes, and the calculation of lost profits.
- Assisted in a breach of contract matter in which a large financial institution allegedly invested funds into a high risk portfolio. Analyses included portfolio research, industry research and calculation of contract default damages.
- Assisted in a breach of contract matter in which a large forestry management company allegedly breached their fiduciary duties. Analyses included industry research, competitive analysis and calculation of contract default damages.
- Assisted in a breach of contract matter in which a large financial institution allegedly engaged in a pyramid scheme to defraud investors. Analyses included portfolio research, investment reliance decisions and calculation of contract default damages.
- Assisted in a dispute related to the purchase of certain properties in the Lower and Upper Eagle Ford that were held in bankruptcy. Analyzed proved and unproved reserves, future drilling and production expectations, future oil and gas pricing expectations, and certain risk factors in order to determine the fair market value of a 20% carried interest in the properties.
- Assisted in a working interest / contract dispute related to an oil and gas operation in the Permian Basin. Analyzed the royalty payment history relating to gas production to determine if a royalty payment shortfall existed.
- Assisted in various oil and gas royalty audits in which I evaluated accounting practices related to payments made to royalty holders and calculated overriding royalty interest due to royalty holders in various oil and gas properties.

## **Investigations of Fraud**

- Assisted in the investigation of a non-practicing entity's alleged misrepresentations and mismanagement pertaining to a patent monetization agreement. Analysis included a detailed review of financial statements, expert reports of litigation underlying the patent monetization agreement, and investigation of internal correspondence amongst alleged wrongdoers.
- Assisted in the investigation of a firearm manufacturer and its alleged fraudulent inducement regarding a patent license agreement. Analysis included an evaluation of indicia of fraud surrounding the agreement, in addition to a detailed review of bank statements, loan applications, loan agreements, and commercial security agreements.
- Assisted in the investigation of a non-practicing entity's alleged fraudulent transfers prior to declaration of Chapter 7 bankruptcy. Analysis included a review of contingency fee agreements and bank statements.
- Assisted in the investigation of a cash advance business related to multiple concurrent alleged asset misappropriation schemes perpetrated by its employees. Analysis included an interview of company representatives, and a detailed review of bank statements, loan documents, checkbook stubs and receipts, and other financial records.
- Assisted in the investigation of a healthcare system network regarding an alleged kickback scheme involving a public ambulance contract. Analysis included interviews of government personnel and company employees, as well as a detailed review of the healthcare system network's contracts, contract extensions, internal/external audit papers, and entity financials.
- Assisted in the investigation of an oil and gas company and the alleged misappropriation of assets and misstatement of company financials. Analysis included a detailed review of employee emails, entity financials and supporting documents/workpapers, and interviews of company employees.
- Assisted in the investigation of a retail electronics company regarding an alleged kickback scheme related to the acquisition and sale of certain retail products. Analysis included a detailed review of entity financials, purchase contracts, bank statements, and interviews of company employees.
- Assisted in multiple Medicare and Medicaid investigations involving prescription drug manufacturers, dialysis centers, and home health / physical therapy agencies. Analysis included a review of Medicare and Medicaid billing records, entity financials, and billing policies.

## **Valuation**

- Assisted in the valuation of electronic gaming equipment and systems technologies. Analyses included an assessment of market trends relating to manufacture and adoption rates for subject gaming technology.
- Assisted in the valuation of a portfolio of patents (52 patents) related to, among other things, access control and bandwidth management technologies. The valuation analysis involved the identification and analysis of the potential use of the subject technologies in the hospitality, airline, hotspot, and WLAN markets. The valuation analysis was focused on the potential profits realized through a monetization strategy involving the potential licensing and/or enforcement of the subject patents. Analysis included a detailed review of potential licensees; an analysis of potential royalties realized from licensing and/or enforcement of said patents; the potential for required enforcement and resulting awards; and litigation costs for such an enforcement strategy.
- Assisted in the valuation of a portfolio of patents related to oilfield completion technologies. The valuation analysis involved the potential profits realized through a monetization strategy involving the potential licensing and / or enforcement of said patents. Analysis included a detailed review of potential licensees; an analysis of revenues and profits realized from implementation of said patents; the potential for required enforcement and resulting awards; and litigation costs for such an enforcement strategy.
- Assisted in the valuation of a patent related to firearm technologies. The valuation analysis involved the potential royalty stream licensor would be expected to realize from licensing efforts of said patent. Analysis included a detailed review of potential licensees; an analysis of potential infringing units sold

by these potential licensees; an analysis of a reasonable royalty for rights patented technology, and licensing costs for such a licensing strategy.

- Assisted in the valuation of an oil field drilling company using the market, asset and income approaches. Analyses included reviewing the company's sales, costs and profits, industry benchmarks, product profitability, recent industry acquisitions and competitor financial performance.
- Assisted in the valuation/solvency analysis of an oil and gas exploration/investment company using the asset and market approaches. Analyses included a detailed review of the company's balance sheet and off balance sheet items, sales, costs and profits, industry benchmarks and recent industry acquisitions.
- Assisted in the valuation of a large restaurant chain involving over 50 locations in California using the market, asset and income approaches. Analyses included a detailed review of each location's sales, costs and profits, an analysis of economic factors influencing the value of the franchise, industry benchmarks, recent industry acquisitions.
- Assisted in the valuation of a Texas corporation specializing in water and wastewater equipment and processes for the municipal market related to an ownership dispute. The market, asset and income approaches were analyzed along with a review of the company's sales, costs and profits, industry benchmarks, product profitability, recent industry acquisitions and competitor financial performance.
- Assisted in the valuation of medical equipment, personnel, and facilities. Analyzed financial performance and third party cost reimbursement policies and practices.

#### **Business Interruption**

- Assisted in several business interruption claims related to damages sustained from Hurricane Ike and Hurricane Harvey. Analyses included reviewing the company's sales, costs and profits, industry benchmarks, product profitability, recent industry events, economic/industry conditions, trend analysis, and the calculation of business interruption damages.
- Assisted in a business interruption claim involving a costume jewelry wholesaler. Analyses included reviewing the company's sales, costs and profits, industry benchmarks, product profitability, recent industry events, economic/industry conditions, trend analysis, and the calculation of business interruption damages.
- Assisted in a business interruption claim involving a pawn shop that was damaged by a fire. Analyses included reviewing the company's historical sales, costs and profits, economic/industry conditions, local commercial real estate pricing, and calculating lost profits based on expected but-for sales during the period of time in which the pawn shop was misplaced.

#### **Personal Injury / Wrongful Death / Wrongful Termination**

- Assisted in a wrongful termination matter involving two former employees of a large pharmaceutical manufacturer. Analyses included a detailed review of historical earnings, advancement potential, and a projection of future earnings at accused pharmaceutical company. I also investigated said employee's earnings at subsequent positions in order to calculate any economic loss resulting from the alleged wrongful termination.
- Assisted in a wrongful death matter involving the accidental discharge of a rifle which resulted in the death of a husband and father of three. Analysis included the calculation of economic losses sustained as a result of the accident specifically related to the decedent's oil and gas investments.
- Assisted in a personal injury matter in which a local physician was in an accident causing long term physical damage and financial loss. Analyses included reviewing the financial performance of her practice, a detailed investigation of time lost due to doctor's appointments related to the accident, lost patients / revenue, saved expenses, patient utilization, work life expectancy, and the calculation of economic losses sustained by the physician as a result of the accident.
- Assisted in a personal injury matter in which a volunteer firefighter was in an accident while in route to a fire. Analyses included reviewing historical salary, an investigation of time lost related to the accident,

future work options, work life expectancy, and the calculation of economic losses sustained as a result of the accident.

#### **RECENT SPEECHES**

- “Trademark Damages” University of Houston Law Center, April 2024
- “Overview of Trademark Damages” University of Houston Law Center, April 2021
- “Trade Secret Damages” University of Houston Law Center, November 2019
- “Trade Secret Damages” Yetter Coleman, LLP October 2018
- “Valuation of Intellectual Property” Andrews Kurth Kenyon, LLP, November 2017
- “Calculating Economic Damages in Litigation Workshop” Baylor University Law Center, November 2017
- “Overview of Lanham Act Damages” University of Houston Law Center, October 2017
- “Calculating Economic Damages in Complex Commercial Litigation” Jackson Walker LLP, August 2017
- “Calculating Damages in Litigation” Baylor University Law Center, May 2017
- “Trade Secret Damages” University of Houston Law Center, March 2017
- “Patent Litigation Damages” South Texas College of Law Houston, March 2017
- “Economic Damages in Trademark Litigation” University of Houston Law Center, November 2016
- “Lanham Act Damages” University of Houston Law Center, April 2016
- “Trade Secret Damages” University of Houston Law Center, March 2016
- “Economic Damages and Trademark Litigation” University of Houston Law Center, February 2014
- “Preserving and Protecting Corporate Assets” State Bar of Texas 21st Annual Texas Minority Counsel Program, November 7, 2013
- “Financial Statement Analysis – Accounting for Lawyers” Andrews Myers P.C., February 4, 2013
- “Trade Secret – Value and Damages Considerations” Houston Intellectual Property Law Association, September 6, 2012
- “Financial Statement Analysis – Accounting for Lawyers” Locke Lord, LLP, July 2012
- “Economic Damages in Trade Secret Litigation” University of Houston Law Center, April 2012
- “Economic Damages and Trademark Litigation” University of Houston Law Center, November 2010
- “Post Lucent Damages” Multiple Law firms, Spring 2010
- “Proving Commercial Damages: Lost Profits versus Lost Value,” Presentation Litigation and Trial Tactics Conference, University of Houston Law Foundation, December 2008

#### **PUBLICATIONS**

- “Diluting the Brand” Intellectual Property Magazine, July/August 2020
- “Patent Venue Battle Continues – Steps Leading Up to TC Heartland” Forensic Litigation & Valuation, June 2017
- “Valuation of Early-Stage Pharmaceutical Companies” Thomson Reuters Valuation Strategies, May/June 2014
- “Considerations for Start-Up Biotech Company Valuation” Journal of Commercial Biotechnology, April 2014
- “Proving Commercial Damages: Lost Profits versus Lost Value” University of Houston Law Foundation, December 2008