IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TV GUIDE ONLINE, INC. and TV GUIDE ONLINE, LLC, Plaintiffs,	)	
v.	)	C.A. No. 05-725 KAJ
TRIBUNE MEDIA SERVICES, INC., Defendant.	)	**PUBLIC VERSION**

REBUTTAL EXPERT REPORT OF MICHAEL H. CHASE ON DAMAGES

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TV GUIDE ONLINE, INC. AND TV GUIDE ONLINE, LLC

V.

TRIBUNE MEDIA SERVICES, INC.

REBUTTAL EXPERT REPORT ON DAMAGES

MICHAEL H. CHASE

NAVIGANT CONSULTING, INC.

FEBRUARY 9, 2007

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TV GUIDE V. TMS

REBUTTAL EXPERT REPORT ON DAMAGES

TABLE OF CONTENTS

I. Introduction....1
II. Information Reviewed And Background....2
III. Lost Profits Analysis....7
IV. Reasonable Royalty Analysis....32

ATTACHMENTS

ATTACHMENT A: Resume Of Michael Chase
ATTACHMENT B: Testimony Of Michael Chase In The Last Four Years
ATTACHMENT C: Documents And Other Information Reviewed
ATTACHMENT D: Analysis of Georgia Pacific Factors
ATTACHMENT E: TMS Deposition Quotations Regarding The Zip Code Feature And Local TV Listings
ATTACHMENT F: Summary Of Issues, Omissions And Errors In Dr. Vellturo's Exhibit 18

ATTACHMENT 100: Summary Of Reasonable Royalties Including All Website Revenue
ATTACHMENTS 110-111: Summary And Analysis Of Reasonable Royalties Excluding Revenue Attributable To Traffic From Office Locations
ATTACHMENT 120: Summary Of Zap2it.com And TV Guide Online Visitor Duplication
ATTACHMENT 130: Amount Zap2it.com Would Pay To TV Guide As An Affiliate
ATTACHMENTS 140-144: Analysis Of Zap2it.com Revenue Per 1,000 Page Views
ATTACHMENTS 200-202: Summary Of Vellturo's Zap2it.com Projection And Corrections
ATTACHMENTS 210-212: Replication Of Vellturo's Zap2it.com Projection
ATTACHMENTS 220-221: Vellturo's Zap2it.com Projection Corrected Only For Page Views
ATTACHMENTS 230-231: Vellturo's Zap2it.com Projection With Corrected Page Views And Segregated Revenue

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Subject To Protective Order

TV GUIDE V. TMS

REBUTTAL EXPERT REPORT ON DAMAGES

ATTACHMENTS (CONTINUED)

ATTACHMENTS 240-242:	Vellturo's Zap2it.com Projection With Corrected Page Views And Segregated Revenue Excluding TV Week Allocation
ATTACHMENTS 250-251:	Vellturo's Zap2it.com Projection Corrected Only To Exclude TV Week Allocation
ATTACHMENT 300:	Summary Of Total Accused Revenue In 2005 And 2006
ATTACHMENT 301:	Summary Of Total Accused Revenue And Reasonable Royalties If TMS Was Given Notice In 2000
ATTACHMENT 310:	Zap2it.com P&Ls
ATTACHMENT 311:	Zap2it.com P&Ls Excluding TV Week Allocation Revenue
ATTACHMENT 400:	TMSTV.com And MovieQuest.com 2000-2004 Plan
ATTACHMENT 410:	Zap2it.com 2001 Plan
ATTACHMENT 420:	Zap2it.com 2005 Plan
ATTACHMENT 430:	Zap2it.com 2005 Plan
ATTACHMENTS 500-501:	Zap2it.com National TV Listings Page Views Versus Total National Page Views
ATTACHMENTS 510-515:	Zap2it.com Page View Summary And Detail

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I. INTRODUCTION

My name is Michael H. Chase. I am a Managing Director of Navigant Consulting, Inc. ("NCI"), and a Certified Public Accountant. I am experienced in financial, economic, damage, and accounting matters related to the scope of my work on this matter. I have consulted on intellectual property and licensing related matters, prepared and analyzed numerous claims for lost profits and other economic impacts, and provided extensive analyses related to licensing matters including reasonable royalty rates, terms and amounts.

My curriculum vitae is included as ATTACHMENT A to this Report. A listing of cases where I have testified as an expert witness at trial or deposition during the preceding four years is included as ATTACHMENT B. My hourly billing rate for my work, including deposition and trial testimony is $400. NCI's compensation is not contingent on the results of this case, the opinions I express or my testimony. NCI's work on this matter was performed by me or under my supervision.

NCI is an international business, economic, financial and damages consulting company that provides services to corporations and counsel. NCI has approximately 1,500 professionals in over 30 offices throughout the United States, Canada and the United Kingdom.

I was retained by Tribune Media Services, Inc. ("TMS') to analyze damages issues in the TV Guide Online, Inc. and TV Guide Online, LLC v. Tribune Media Services, Inc., matter and to respond to Dr. Christopher Vellturo's report dated December 15, 2006

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("Dr. Vellturo or Vellturo report").[1] I may be asked to address additional issues raised by the plaintiff's expert witnesses or other issues as directed by counsel.

II. INFORMATION REVIEWED AND BACKGROUND

A. Information Reviewed

NCI received copies of the various documents and information listed in ATTACHMENT C.

The analysis presented in this Report is based on currently available documents and information and is subject to change based on review of additional information. I understand that this Report may be supplemented by deposition and trial testimony. Selected pages of the documents and information relied upon in this Report may be used as exhibits. Additionally, I may prepare graphical or illustrative exhibits based on the documents and information relied upon and my analysis of those documents and information.

The ATTACHMENTS are part of this Report, whether or not discussed directly in the text of this Report.

B. Background

1. TV Guide Online, LLC, and TV Guide Online, Inc.

TV Guide Online, LLC and TV Guide Online, Inc., the plaintiffs in this matter, are sister corporations. The plaintiffs are both subsidiaries of Gemstar-TV Guide International Inc. ("Gemstar" or "parent").

[1] Dr. Vellturo also submitted a Supplemental Expert Report on December 29, 2006 to correct formula and sourcing errors and to add certain licenses.

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TV Guide Online, LLC is the assignee of the patent at issue in this case as of October 5, 2005 ("the patentee"). I understand that TV Guide Online, LLC was formed on September 28, 2005[2], has no operations, and was created as a holding company for the '078 patent at issue in this case.

TV Guide Online, Inc. is affiliated with the patentee via common ownership and is licensed under the '078 patent. TV Guide Online, Inc. was acquired by Gemstar in 2000. TV Guide Online, Inc. operates the website www.tvguide.com, which competes with Zap2it.com.

2. TMS And Zap2it.com

Tribune Media Services ("TMS') and its parent, Tribune Company, are headquartered in Chicago, Illinois. TMS is a provider of entertainment listings data and is considered to be the leading source of such data in the United States.[3] TMS listings are provided to many newspapers, cable and satellite service providers, and web portals.[4]

Zap2it.com, a website of TMS, was launched in 2000 and provides on-line television program listings along with original television and movie related content produced by Zap2it's own writing and photo staff.[5] Additional content is provided by Tribune Company subsidiaries and affiliates and other third parties.

Zap2it.com is operated as a national site at www.Zap2it.com and is also a provider of on-line television listings and movie, television and entertainment content to several hundred affiliate sites.[6] Predecessor sites to Zap2it.com include TV Week Interactive

[2] Articles of incorporation for TV Guide Online, LLC (TMS0068738 – 39).
[3] www.zap2it.com/services/site/zap-aboutus,0,2987155.story
[4] Ibid.
[5] Ibid.
[6] Ibid.

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(1995), TV Quest (1997), Movie Quest (1998), and Ultimate TV (1999).[7] TV Week Interactive, TV Quest, and Ultimate TV all allowed users to search and view TV listings by zip code.[8]

3. '078 Patent

The patent asserted in this matter is United States Patent No. 5,988,078 ("the '078 patent") entitled "Method And Apparatus For Receiving Customized Television Programming Information By Transmitting Geographic Location To A Service Provider Through A Wide-Area Network," which issued on November 23, 1999 to Michael R. Levine and was assigned to Index Systems, Inc. ("Index").[9] On October 6, 2005 Index assigned the '078 patent to TV Guide Online, LLC.[10]

I understand the accused feature in this matter relates to the screens that allow a user at Zap2it.com to enter his or her five digit zip code ("zip code feature") as part of the process for identifying the particular cable or satellite provider service for which the user would like to view listings. In response to entering a zip code, the Zap2it.com site displays a list of cable or satellite providers for that zip code for the user to select. After the user selects the cable or satellite provider, the Zap2it.com site displays the television listing grid matched to that particular cable or satellite provider.

The plaintiffs accuse Zap2it.com's zip code feature of infringing the '078 patent. For the purposes of this Report, I have been asked to assume that the '078 patent is valid, enforceable and infringed and the plaintiffs are entitled to damages. Dr. Vellturo has

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[7] TMS 0055939-40.
[8] TMS' Responses To TV Guide's First Set Of Interrogatories. (See Interrogatory No. 5).
[9] The '078 patent lists Gemstar Development Corp. as the assignee. According to the Plaintiffs' December 4, 2006 Supplemental Responses And Objections To Defendant's Interrogatory Nos. 1, 4, 10, 11, 12, 13, 14, 17, 18 and 19, the listing of Gemstar was an error and the correct original assignee of the '078 patent was Index. (See the Second Supplemental Response To Interrogatory No. 14)
[10] TG 000450.

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outlined the plaintiffs' damages position, opining to a lost profits and a reasonable royalty measure of damages. This Report responds to the damages claims outlined in Dr. Vellturo's report.

4. **Damages Considerations**

I understand the date for the start of damages is a legal issue. For the purposes of this Report, I have been asked to use two dates for the start of the damages period. The first date I have used is the date asserted by the plaintiffs and presented in Dr. Vellturo's report, April 29, 2005. This date coincides with the date of a presentation made by Gemstar to TMS. Alternatively, I have also quantified damages beginning on the date of the Complaint, October 12, 2005.

I have also been asked to address the proper measurement of accused revenue and associated damages under various possible infringement scenarios. The first scenario assumes that all website related revenues are properly considered in the damages calculation. Other scenarios address the possibility that not all users of Zap2it.com are infringing or eligible for inclusion in the compensation base.

As one example of another damages scenario, I understand TMS has taken the position that users accessing Zap2it.com from a location other than their television viewing location represent non-infringing users and, as such, are properly excluded from any patent infringement damages analysis. I understand it is TMS' position that users who access Zap2it.com from office locations are not accessing the site from their "television viewing location" (i.e., home) and are therefore non-infringing and properly excluded from the damages calculation. A proportionate deduction for the amount of non-infringing users who

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access Zap2it.com from office locations should be made to reduce the compensation base to account for this scenario.[11]

As a further example of another damages scenario, I understand TMS has taken the position that the claims of the '078 patent are limited to users accessing Zap2it.com using a dial-up modem. Consequently all other users, including high speed access users, would be non-infringing and properly excluded from any patent infringement damages analysis. A proportionate deduction for the amount of non-infringing users who access Zap2it.com using methods other than a dial-up modem should be made to reduce the compensation base to account for this scenario.

More generally the compensation base is properly adjusted to exclude any and all uses that are non-infringing or otherwise ineligible for inclusion in the damages calculation due to notice issues or other issues. As another such example, I understand TMS has taken the position that damages would also be limited to users who actually entered a user zip code at least once during the damages period. Since Zap2it.com has a substantial number of repeat users, not all of the website traffic during the damages period would have required users to enter zip code information.[12]

This Report outlines examples for the methodology that would be reasonably employed to limit the compensation base for users that are non-infringing or otherwise ineligible for damages. The ATTACHMENTS provide detailed examples for the calculations. Such calculations would be adjusted as appropriate based on the findings that the Court or

[11] This adjustment assumes a determination of non-infringement. For these adjustments, the compensation base subject to a proportionate decrease would be the royalty base or, if applicable for any reason, the sales or page views used as a starting point in any lost profit analysis.

[12] I understand that users who previously accessed the Zap2it.com site would not need to manually enter their zip codes again during the damages period because a "cookie" resident on their computer stores the needed data for accessing customized television listings.

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jury may determine regarding such issues and be based on reasonable estimates for quantifying the appropriate compensation base.

III. LOST PROFITS ANALYSIS

Dr. Vellturo presents three distinct lost profits claims:

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As detailed below, lost profits based upon Dr. Vellturo's theories are not appropriate.

In order to establish a claim for lost profits, the patentee[13] must demonstrate that there is a reasonable probability that "but-for" TMS' assumed infringement, the patentee would have made some or all of the accused sales and earned higher profits. The "Panduit Test" is one way to systematically consider and evaluate the market impact on the patent owner's sales "but-for" TMS' assumed infringement. The following are the Panduit factors: (A) demand for the patented product; (B) manufacturing and marketing capability to exploit the demand; (C) absence of acceptable non-infringing substitutes; and (D) the amount of the profit.[14] The patent holder must prove all four of the Panduit factors to establish a claim for lost profits.

As discussed below, in my opinion it is not reasonable to infer that

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[13] I understand that in certain cases, damages may be claimed by the exclusive licensee under the patent as well. When referring to the patentee, I am also considering the exclusive licensee, if applicable.
[14] Panduit Corp. v. Stahlin Bros. Fibre Works, 575 F.2d 1152 (6th Cir. 1978).

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A. **The Patentee Has Not Lost Any Profits – Dr. Vellturo's Lost Profits Claims Are For Affiliated Entities That Are Not The Patentee Or Exclusive Licensees**

As noted above, TV Guide Online, LLC is the patentee via assignment of the '078 patent as of October 6, 2005, six days before the Complaint was filed. TV Guide Online, LLC has no operations and has no capacity to make any sales or profits from business activities that are in competition with Zap2it.com. None of Dr. Vellturo's lost profits claims are based upon the business operations of TV Guide Online, LLC.

I understand that in some circumstances, an exclusive licensee may be entitled to damages in a patent infringement matter. Dr. Vellturo suggests that TV Guide Online, Inc. is an exclusive licensee,

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I understand that TMS has taken the position that from a legal perspective, TV Guide Online, Inc. is not in a position to recover lost profits as it is not the patentee and does not meet the legal requirement for standing as an exclusive licensee. Should such a position be accepted by the Court, Dr. Vellturo's lost profits claims would no longer be applicable.

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The largest lost profit claim presented by Dr. Vellturo is related to the amount

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The following analysis provides further rebuttal to the lost profits claims presented by Dr. Vellturo assuming such claims are somehow applicable.

B. Price Erosion

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[19] Dr. Vellturo report dated December 15, 2006, pp. 29 – 30 at paragraph 73 (also summarized in earlier paragraphs without any added substance or discussion) and Exhibits 15, 15A.

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REDACTED

Given the novelty of his price erosion claim, Dr. Vellturo was not able to present his claim using a sound methodology and he was not able to demonstrate how it meets the common criteria for a price erosion claim in a patent infringement matter. For example, he does not evaluate the Panduit factors.[20] His discussion of a "but-for" hypothetical provides no more than asserted conclusions without meaningful support. He states that he was somehow able to "determine"[21] lost royalties, but he provides no discussion for the basis of his calculus.

There are many unstated and inescapable predicates and assumptions inherent in Dr. Vellturo's calculations. Upon reasonable consideration of such predicates and assumptions, his determinations are erroneous, exaggerated and unsupportable. The following elaborates on some of the significant and fatal flaws related to this claim including his unreliable methodology, his absence of sufficient facts and data, and examples of his failure to address the issues necessary to support a price erosion claim. In my opinion the lost profit (price erosion) claim presented by Dr. Vellturo is not

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[21] Dr. Vellturo report dated December 15, 2006, p. 30 at paragraph 73.

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supportable, not properly calculated leading to a speculative and exaggerated result, and is not a proper element of damages.[22]

1. Dr. Vellturo's Lost Profit Claim Is Based On An Unreliable Methodology Leading To An Improper Conclusion

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[22] To the extent that Dr. Vellturo's claim related to the other issues that precede the notice to TMS, such claims are also properly excluded as being prior to the start of damages in this matter.

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[23] Dr. Vellturo's report dated December 15, 2006, p. 25 at paragraph 58.
[24]

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[30] Armaly deposition, 1/31/07, pp. 226-227, 234.
[31] Armaly deposition, 1/31/07, pp. 293, 295.
[32] Armaly deposition, 1/31/07, p. 280.

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[33] Armaly deposition, 1/31/07, p. 288.
[34]
[35]
[36] Dr. Vellturo uses March 2006 data for his market share estimates. See his Exhibit 15A.

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2. Dr. Vellturo's Lost Profit Claim Is Not Based On Sufficient Facts And Data

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3. Lost Profit Claim Does Not Pass A But-For Analysis, The Panduit Test Or The Entire Market Value Rule

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[39] Dr. Vellturo report dated December 15, 2006, p. 30 at paragraph 73.

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[41] Discussion with Beth Fulkerson.
[42] Vulcan Engineering Co., Inc. v. FATA Aluminum Inc., and FATA Group S.p.A., 278 F.3d 1366, (Fed. Cir. 2002)
[43] Crystal Semiconductor Corporation v. Tritech Microelectronics International, Inc. and Tritech Microelectronics International PTE LTD, 246 F.3d 1336 (Fed. Cir. 2001)

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C. Lost Sales REDACTED

Dr. Vellturo claims that "but-for" TMS' assumed infringement, the website traffic at the national Zap2it.com website from pages containing television grid listings[45] or any other television related content would have been diverted to other websites, leading to an increase in traffic at TV Guide Online, Inc.'s national website. The following responds to his claim for lost profits at the national website. In my opinion, the lost profits claim presented by Dr. Vellturo related to the national website is not supportable. Further, the calculated amount of these damages is not based on a reasonable estimate, but instead is speculative.

1. But-For Considerations

Dr. Vellturo assumes in his lost profit analysis that the Zap2it.com website traffic from the TV listing grids along with all the other TV content would be forced to stop, leading

[44] Rite-Hite Corporation et al v. Kelley Company, Inc., 56 F.3d 1538 (Fed. Cir. 1995).
[45] For purposes of my report, I have assumed that the traffic at the accused TMS websites on the TV grid listings may be associated with the alleged infringement in this matter. I understand that the traffic at the other portions of the site, generally the other TV content and movie content, are not associated with the alleged infringement in this matter as access to those areas does not utilize the accused zip code feature.

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to a one-for-one increase in website traffic at certain other competing websites. In other words, he assumes that but-for Zap2it.com's assumed infringement, users of Zap2it.com would have gone to certain other websites for TV listing grids and other related TV content. This inherent assumption in constructing a "but-for" scenario is not demonstrated or supportable. Since the users paid nothing to access the accused website, there are many other reasonable inferences of alternative activity "but-for" the assumed infringement – users could have gone to no other websites, already been at other websites or gone to different websites than those considered by Dr. Vellturo. First, there has been no showing by Dr. Vellturo that the users who accessed Zap2it.com didn't already access the other competitive websites considered by Dr. Vellturo. The data from Attachment 120 demonstrates otherwise.[46] While the extent of overlap varies from period to period, some of the users of Zap2it.com already were visiting the TV Guide Online, Inc. site. These users would have no need to return yet again to the TV Guide Online, Inc. website. The same would be true if users were regular visitors of the other websites considered in Dr. Vellturo's market share. Next, as much of the website traffic is generated from the editorial content for the TV and Movie sections of Zap2it.com,[47] users precluded from the Zap2it.com site TV listing grids in a "but-for" world may not go to any other additional sites. In other words, if a story, headline, feature article or other content was the trigger for a user to enter Zap2it.com and spend time on the site, there is no reason to believe that the user would necessarily seek out another such story, headline or feature article even if the Zap2it.com site or television grid listing section was not operated in the "but-for" world. Even if users sought out other websites seeking the type of TV entertainment content provided by Zap2it.com, the range of other sites that provide television

[46] Nielson data of unique users and overlap – ATTACHMENT 120.
[47] Statistics indicate that less than 50% of Zap2it.com's national site page views are for TV listing grids. Other page views are directed at other editorial content at Zap2it.com. See ATTACHMENT 500.

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entertainment content is much wider than sites containing TV grid listings.[48] Finally, users wanting data on TV listings could turn to other readily available sources of data on TV listings outside the web, including the interactive program guides offered by cable and satellite TV providers. Dr. Vellturo's unsupported premise in his but-for analysis renders his lost profit claim unsupportable, speculative and inappropriate.

2. Demand Is Not Demonstrated

In many patent cases, actual purchases by customers of the patentee and the infringer demonstrate demand for the product or service covered by the patent. In such cases, the demand is apparent because consumers have elected to spend money to purchase the patented or accused devices. In this matter, customer use does not demonstrate demand to the same extent because users of the accused patent have operated in an environment without any cost or user fee. Lacking a history of customer purchase and payment for the patented feature, the mere use of the accused feature by TMS' users does not correspond to a showing of demand for the patented feature that would support a lost profit claim.

Zap2it.com provides a means to match TV listings grids to the user's particular cable or satellite service provider. While TMS uses the accused zip code entry screen as one of the steps for narrowing the list of cable or satellite service providers for a user to select, such use does not demonstrate demand for the patented feature. The zip code feature is not the ultimate objective. It simply is one convenient way to work toward the objective. Since alternatives exist for TMS to accomplish its desired result of matching the TV grid listings to

[48] Consider web site traffic at Zap2it.com that was initiated from a search regarding an actor, actress or television show. Had the Zap2it.com site not been available, such a user may have read other articles that were identified as part of the search already, whether on the TV Guide Online, Inc. website or elsewhere. Also, and as discussed further below Dr. Vellturo provides no basis to conclude that the TV Guide Online, Inc. website had a comparable story or feature article that would translate into the possibility for increased traffic.

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the particular service provider for each user, it is not appropriate to conclude that there is demand for the '078 patent.

Dr. Vellturo apparently believes the '078 patent generates the demand for the other TV content offered on the Zap2it.com website. He has not provided a sufficient nexus between the '078 patent and the users' demand for other TV content provided by the Zap2it.com website. Consequently, his lost profit claim stemming from the users accessing the other TV content on Zap2it.com is not supportable for additional reasons.

3. Capacity Is Not Completely Demonstrated

I have assumed that TV Guide Online, Inc. has the requisite capacity to service users seeking television grid listings on its national site, provided appropriate increases in costs are accounted for to accommodate higher traffic volumes.

With respect to the claim for increased traffic from other TV content, there has been no showing that TV Guide Online, Inc. had the capacity to capture the users at Zap2it.com, as there has been no showing that the non-grid television content offered between the TV Guide Online, Inc. website and Zap2it.com website was comparable or interchangeable among users. Consequently, his lost profit claim stemming from the users accessing the other TV content does not pass the capacity requirement for a lost profit claim.

4. Numerous Alternatives Exist

The many authorized alternatives to both Zap2it.com and the TV Guide Online, Inc. website, coupled with the absence of an established market share for the TV Guide Online, Inc. website, preclude a finding of lost profits. Numerous other acceptable and available non-infringing alternatives to access online television grid listings matched to a user's cable or satellite service provider existed during the period of the lost profit claim.

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Prominent examples include REDACTED and whom all operate a website that contains localized television grid listings matched to a user's cable or satellite service provider. With the extensive number of acceptable and available non-infringing alternatives, lost profits are not appropriate on all the accused activity because even if the accused users sought out another on-line listing, they could have accessed listings at other sites instead of TV Guide Online, Inc.'s website.

One means to preserve a lost profit claim in situations where other acceptable and available non-infringing alternatives exist in the market is to limit the lost profit claim to the patentee's established market share.[49] While Dr. Vellturo attempts to construct such a claim, his analysis falls short. There is not an established market share for the TV Guide Online, Inc. website for online television grid listings matched to a user's cable or satellite service provider. Such statistics are not available and not reasonably measured by Dr. Vellturo. Dr. Vellturo's calculations are flawed and incomplete,

Further, he does not account for the fact that some of the accused users had already visited the TV Guide Online, Inc. website. Finally, Dr. Vellturo has not considered or studied the ability of Zap2it to retain some portion of its users without offering localized TV listings based on the accused zip code feature. Lacking an established market share, Dr. Vellturo's lost profit claim is not appropriate.

The alternatives available to users that Dr. Vellturo assumes are diverted from the other TV content pages is much broader than the limited websites that contain online television grid listings matched to a user's cable or satellite service provider. Users seeking

[49] State Industries, Inc. v. Mor-Flo Industries, Inc. 883 F.2d 1573, 12 USPQ2d 1026 (Fed. Cir. 1989).

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stories and content on the varied articles and other content offered on the Zap2it.com site would have a wide array of sites to browse. Examples include E! Online, Hollywood.com, TV.com and many other entertainment focused websites.[50] Further, Zap2it.com could continue to offer its TV content on its website, just as Dr. Vellturo assumes it would continue to offer its movie content. Since Dr. Vellturo doesn't consider other entertainment sites and Zap2it.com's ability to retain some of its website traffic, his market share theory is further unsupported for the Zap2it.com traffic associated with the other TV content.

Alternatives that were available and acceptable to TMS as a substitute to the zip code entry feature on its national website preclude a finding of lost profits.[51] TMS had a number of non-infringing alternatives for providing localized television grid listings matched to a user's cable or satellite service provider.[52]

[50] TMS 0051956 and www.tv.com

[51] A patent infringement case that expanded upon the considerations in evaluating the Panduit factors is Grain Processing Corporation v. American Maize-Products Company (185 F.3d 1341 (Fed. Cir. 1999)). In Grain Processing, the Court examined alternatives available to the infringer in its "but-for" analysis:

> ...a fair and accurate reconstruction of the "but for" market also must take into account, where relevant, alternative actions the infringer foreseeably would have undertaken had he not infringed. Without the infringing product, a rational would-be infringer is likely to offer an acceptable noninfringing alternative, if available, to compete with the patent owner rather than leave the market altogether. The competitor in the "but for" marketplace is hardly likely to surrender its complete market share when faced with a patent, if it can compete in some other lawful manner. Moreover, only by comparing the patented invention to its next-best available alternative(s) - regardless of whether the alternative(s) were actually produced and sold during the infringement - can the court discern the market value of the patent owner's exclusive right, and therefore his expected profit or reward, had the infringer's activities not prevented him from taking full economic advantage of this right. Cf. *Westinghouse Elec. & Mfg. Co. v. Wagner Elec. & Mfg. Co., 225 U.S. 604, 614-15, 32 S. Ct. 691, 694, 56 L. Ed. 1222 (1912); Mowry v. Whitney, 81 U.S. 620, 651, 20 L. Ed. 860 (1872); King Instrument Corp. v. Otari Corp., 767 F.2d 853, 865, 226 U.S.P.Q. (BNA) 402, 410-11 (Fed. Cir. 1985).* Thus, an accurate reconstruction of the hypothetical "but for" market takes into account any alternatives available to the infringer.

[52] For the following discussion, I assume the alternatives are non-infringing.

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[53] The following alternative is based on discussions with knowledgeable TMS personnel, including Greg Loose, Director of Enterprise Application Development.

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5. The Amount Of Possible Increase In TV Guide Online, Inc. Profit Cannot Be Determined

Even if one concluded that Zap2it.com would experience decreased traffic "but-for" the assumed infringement, the amount of any potential increase in traffic for the TV Guide Online, Inc. website cannot be reasonably measured. As demonstrated above, the market share estimates are not established. Overlap already exists between some of the users. Zap2it.com would not be restricted from offering its other editorial TV content. Next, the alternatives that TMS could reasonably implement in the "but-for" world for the TV grid listings would act to preserve some substantial portion, if not all of its TV grid listings website traffic. In any event, the combined forces from these variables cannot be determined with reasonable certainty. Dr. Vellturo has merely speculated at the amount of added traffic for the TV Guide Online, Inc. website as he has not analyzed all the requisite variables. In my opinion, the amount of possible increase in TV Guide Online, Inc. profits from its national website cannot be determined without unsupported speculation.

[55] As it would represent an improvement, such a change would obviously be acceptable to users.

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Finally, Dr. Vellturo provides no alternative calculations that would be needed if TMS prevails on some, but not all, of its non-infringement claims. He provides no estimate that excludes the impact from users accessing Zap2it.com from office locations or other locations away from the user's television viewing location. I understand that TMS alleges that such use would not infringe. Under such an assumption, such uses would be excluded in any but-for analysis. Consequently, Dr. Vellturo's lost profit analysis would be overstated as a substantial percentage of users access Zap2it.com away from their television viewing location. To the extent that TMS prevails on this non-infringement position, Dr. Vellturo's lost profit claim cannot provide a basis for the appropriate damages. Next, I understand that TMS alleges that repeat visits by a user that do not include entering zip code information would not be infringing uses. Since a user does not enter his or her zip code on repeat visits, a large part of the user traffic covered by Dr. Vellturo's damages claims involved no infringement during the damages period. Dr. Vellturo provides no way of measuring the possible amount of profits limited to users who actually provided zip code data during the damages period. To the extent that TMS prevails on this non-infringement position, Dr. Vellturo's lost profit claim cannot provide a basis for the appropriate damages.

D. Lost Sales – Zap2it.com Affiliate Sites

Dr. Vellturo claims that the affiliate sites serviced by Zap2it.com would have had no alternative other than to obtain an on-line affiliate service from TV Guide Online, Inc. Consequently, he assumes TV Guide Online, Inc. would capture all of the TMS affiliate clients in the "but-for" world. The following responds to his claim for lost profits from the Zap2it.com affiliate websites. In my opinion, the lost profits claim presented by Dr. Vellturo related to the affiliate websites is not supportable. Further the calculated amount of these damages is not based on a reasonable estimate, but instead is speculative.

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1. But-For Considerations

Dr. Vellturo assumes the Zap2it.com affiliate website customers would generate a one-for-one increase in affiliate customers for TV Guide Online, Inc.'s website. In other words, he assumes that but-for the Zap2it.com assumed infringement, the affiliates would all seek to secure a similar service from TV Guide Online, Inc. This inherent assumption in constructing a "but-for" scenario is not demonstrated or supportable. As explained below, the Zap2it.com affiliates would also have the ability to continue with the Zap2it.com service, modified to avoid the alleged infringement under the '078 patent, or even develop their own website capability for localized television listings.

Further, there has been no reasonable showing that any affiliate customers captured by TV Guide Online, Inc. would generate the same number of page views from the TV Guide Online, Inc. affiliate sites as was experienced on Zap2it.com. Dr. Vellturo's assumption that the entire traffic from an affiliate site would be captured by TV Guide Online, Inc. is contrary to a reasonable consideration of what would happen but-for infringement.

2. Demand Is Not Demonstrated

Consistent with the discussion above, the use of the accused feature does not demonstrate demand for the '078 patent. Since alternatives exist for TMS to accomplish its desired result of matching the TV grid listings to the particular service provider for each user, it is not appropriate to conclude that there is demand for the '078 patent.

3. Capacity Is Not Completely Demonstrated

Dr. Vellturo does not demonstrate that TV Guide Online, Inc. had the capacity to provide additional affiliate websites as an alternative to the accused affiliate websites.

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Dr. Vellturo ignores the requirement for showing the necessary marketing capacity to make the accused sales. He has no discussion or analysis of the marketing efforts that would be needed by TV Guide Online, Inc., the obstacles that would be faced, the associated costs and time required to convert the Zap2it.com affiliates. In any event, capturing all the TMS affiliate accounts would not be instantaneous as assumed by Dr. Vellturo.

4. Numerous Alternatives Exist

Alternatives that were available and acceptable to TMS as a substitute to the zip code entry feature on its national website also preclude a finding of lost profits regarding the affiliate websites. In other words, TMS could implement the same alternatives as discussed above regarding the national website in implementing alternatives for the affiliate sites.

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The presence of these alternatives precludes a finding of lost profit from the affiliate websites.

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5. The Amount Of Possible Increase In TV Guide Online, Inc. Profit Cannot Be Determined

Even if one concluded that some number or percentage of the TMS affiliates would seek to replace the accused TV grid listings with a zip code feature from TV Guide Online, Inc., the amount of increased traffic at the TV Guide Online, Inc. website and associated possible revenues are not reasonably measured by Dr. Vellturo in his report. Dr. Vellturo assumes a one for one transfer of all affiliate web site traffic from the Zap2it.com site to TV Guide Online, Inc. affiliate relationships. There is not a reasonable basis to estimate the number of affiliates that would switch to TV Guide Online, Inc. but-for infringement in light of the issues outlined above. Further, with respect to the incremental costs for TV Guide Online, Inc., Dr. Vellturo is merely adopting company estimates. He has not tested or verified the reasonableness of the amounts.

Dr. Vellturo's calculation

cannot possibly be appropriate in this matter. According to his calculations in his Exhibit 16,

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As with the national site, Dr. Vellturo provides no alternative calculations that would be needed if TMS prevails on some, but not all, of its non-infringement claims. As

[56] ATTACHMENT 130.

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explained above, if TMS prevails on some of its non-infringement positions, Dr. Vellturo's lost profit claim cannot provide a basis for the appropriate damages.

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IV. REASONABLE ROYALTY ANALYSIS

If it prevails, TV Guide is entitled to "damages adequate to compensate for the infringement, but in no event less than a reasonable royalty for the use made of the invention by the infringer."[57]

A reasonable royalty may be determined through consideration of a hypothetical negotiation between the patent owner and the patent infringer. The hypothetical negotiation is conducted on the date of first infringement, with both parties assumed to be knowledgeable of the relevant facts, including knowledge regarding actual events after the date of the hypothetical negotiation. The hypothetical negotiation and reasonable royalty concepts are articulated, in part, in the Georgia Pacific case:

> The amount that a licensor (such as the patentee) and a licensee (such as the infringer) would have agreed upon (at the time the infringement began) if both had been reasonably and voluntarily trying to reach an agreement; that is, the amount which a prudent licensee - who desired, as a business proposition, to obtain a license to manufacture and sell a particular article embodying the patented invention - would have been willing to pay as a royalty and yet be able to make a reasonable profit and which amount would have been acceptable by a prudent patentee who was willing to grant a license. [Georgia-Pacific Corp. v. U.S. Plywood Corp., 318 F. Supp. 1116; 166 USPQ 235 (S.D.N.Y. 1970)]

In a hypothetical negotiation, it is assumed that the '078 patent is valid, enforceable and infringed by TMS in connection with its use of the accused feature. For the purposes of this Report, I have assumed the hypothetical negotiation is conducted on November 23, 1999 when the '078 patent issued. While the Zap2it.com site was not live when the '078 patent issued, '

[57] 35 USC Sec 284

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[58] Further, the predecessor sites owned by TMS were being operated when the '078 patent issued. Consequently, I have assumed the date of first infringement is when the '078 patent issued and the hypothetical negotiation occurs on that date. Dr. Vellturo suggests a need for an extended time to complete the hypothetical negotiation. The hypothetical negotiation does not occur over an extended period of time. Instead, it is assumed that the parties have access to all relevant information as noted above and come to a reasonable agreement as a business proposition.

I have considered the Georgia Pacific factors and other relevant considerations in connection with this hypothetical negotiation. ATTACHMENT D addresses each of the Georgia Pacific factors directly. The following sections describe important considerations in the reasonable royalty analysis and my rationale for determining the amount of reasonable royalties.

A. Reasonable Royalty Considerations

1. Licensee's Ability To Pay And Reasonable Starting Point For The Range Of Negotiation – Errors In Dr. Vellturo's Projections

As Dr. Vellturo suggests, the licensee's ability to pay is a significant consideration in the hypothetical negotiation. As detailed further below and on the ATTACHMENTS, Dr. Vellturo has introduced substantial errors in his forecast of TMS' long-run ability to pay. Two of Dr. Vellturo's most significant errors are as follows. First, Dr. Vellturo contends that the entire profit he projects for TMS is available for TMS to pay in a reasonable royalty. Such a position is not reasonably supportable. A licensee in a hypothetical negotiation would not rationally turn over its entire forecast of profits from a business opportunity, as it would have no incentive or financial reward for its own risks and

[58] Needleman deposition, 9/29/2006, pp. 133 – 134.

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business efforts. Second, Dr. Vellturo exaggerates the amount possibly indicated in his projection by introducing significant errors when converting his projected operating profits to a dollar amount per page view.

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His manipulations, calculations and embedded errors lead him to derive an unreasonable result – while he desired to cap his reasonable royalty based on TMS' projected ability to pay, his end result is a damages figure that exceeds Dr. Vellturo's own calculation for TMS' ability to pay.

[59] ATTACHMENT 201.
[60] ATTACHMENT 201.
[61] Dr.Vellturo Exhibit 4

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[63] ATTACHMENT 210.
[64] TMS 0032539 – 545 AT 542.
[65] ATTACHMENT 141.

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2. Licensee's Ability To Pay And Reasonable Starting Point For The Range Of Negotiation – Reasonable Estimates For A Starting Point

One common rule of thumb in licensing situations involves a split of the relevant profits associated with the intellectual property at issue in the case. The rule of thumb indicates that a reasonable starting point for a royalty rate is based upon one quarter of the relevant expected operating profits that would be earned by the licensee over the long run. Some practitioners suggest the starting point is one quarter to one third of the profits earned by the licensee.

This rule of thumb attempts to balance the contributions of the intellectual property owner and the efforts of the licensee, consistent with the requirement under the twelfth and thirteenth Georgia Pacific factors.[67] The licensee is obviously responsible for the manufacturing and marketing of the product at issue and bears all of the business risk. The split of profits under the rule of thumb attempts to compensate the licensee for those additional efforts, investments and risks with a greater share of the profits. The split of profits provides an indication for a starting point for determining a reasonable royalty rate. This starting point must then be adjusted upward or downward based on the specific circumstances of the hypothetical negotiation, such as those considered in the other Georgia Pacific factors and those discussed throughout this Report.

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[66] As noted later and in the ATTACHMENTS, there are other problems associated with Dr. Vellturo's forecasted profits.

[67] The portion of the profit or of the selling price that may be customary in the particular business or in comparable businesses to allow for the use of the invention or analogous inventions; and The portion of the realizable profit that should be credited to the invention as distinguished from non-patented elements, the manufacturing process, business risks, or significant feature or improvements added by the infringer.

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[68] TMS 0032539 – 545 at 544-545.
[69]
[70] See the 400 series of ATTACHMENTS.

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[71] Discussions with Robin Mulvaney.
[72] Mulvaney deposition, 10/20/06, pp. 30-32, 47-48.

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3. Existing Licenses Involving The Patents In Suit Or Comparable Patents

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4. Other Business Agreements

REDACTED

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5. Significance Of The Accused Zip Code Feature

REDACTED

B. Reasonable Royalty Conclusion

In my opinion a reasonable royalty in this matter should be determined based upon a percentage reasonable royalty rate applied to the applicable royalty base comprised of the accused sales that are found to be infringing and subject to damages. This is a very common royalty structure in many license agreements,

It is a reasonable framework as it does not improperly shift added

[76] ATTACHMENT E.
[77] Internet users are very familiar with providing zip code data for any number of on-line applications, from finding where to order pizza, or locating a nearby retailer.

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risks onto either the licensor or licensee. By way of example, if the reasonable royalty framework was based on a percentage of actual profits (rather than revenues), the licensor would be accepting more risk. Conversely, if the reasonable royalty framework was based on a dollar amount per page view (as suggested by Dr. Vellturo) additional risk is shifted to the licensee for such items as the number of impressions sold per page and the pricing in the future for advertising revenues. A percentage royalty rate on the accused sales is a customary framework and is balanced in terms of risks going forward.

1. Royalty Base

The royalty base would include all of the TMS revenues that are earned in connection with the accused on-line revenue categories that are found to infringe and are subject to damages. This includes

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ATTACHMENT 300 summarizes the royalty base assuming all the accused sales are included in the reasonable royalty calculation.

2. Royalty Rate

In my opinion, a reasonable royalty rate is 2.5%.

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In my opinion, the 0.625% starting point is too low and the 4.5% starting point is too high for purposes of the hypothetical negotiation. They represent outer boundaries for consideration in this matter.

Focusing on the 1.6% starting point, a variety of upward and downward pressures are indicated as outlined in my Report and ATTACHMENTS. On balance, in my opinion, an upward adjustment is warranted from the 1.6%, but not an adjustment that would double the indicated starting point. The principle factor contributing to the upward adjustment is the extent of TMS' use of the accused zip code feature and my assumption that it would be preferred over implementing an alternative on the date of the hypothetical negotiation. Downward influences as outlined in the Report have a limiting influence on the upward adjustment.

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Focusing on the 2.8% starting point, a variety of upward and downward pressures are indicated as outlined in my Report and ATTACHMENTS. On balance, in my opinion, a downward adjustment is warranted from the 2.8%. One of the significant downward adjustments that must be considered when starting with the 2.8% point is the fact that some

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[78] Thereafter, the remaining considerations would provide for an upward adjustment as noted above. On balance, I have concluded that these competing adjustments largely balance out, with a concluding reasonable royalty rate of 2.5% which is very close to the 2.8% starting point.

3. Reasonable Royalty Conclusion

As noted in the introduction of this Report, I have considered two different time periods for damages and illustrated the impact of varied assumptions regarding the extent of infringing sales. The alternative calculations showing reductions in the royalty base are illustrative of the methodology that is appropriately employed. Such calculations can be adapted for whatever assumptions or combinations of assumptions are appropriate for exclusions to the royalty base using reasonable estimates or measurements for the exclusions to the royalty base.

a. Amounts Assuming All Revenues Infringe And Are Subject To Damages[79]

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[78]

[79] See ATTACHMENT 100.
[80]

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b. Amounts Assuming Office Locations Do Not Infringe And Are Excluded From The Royalty Base[81]

I have estimated the amount of non-infringing use at office locations based on the available statistics that estimate the origination of user traffic.[82] I have excluded a proportionate amount of Zap2it.com's revenue from the royalty base based on the estimated use from office locations.[83] Using a damages time period consistent with Dr. Vellturo, the

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c. Other Exclusions From The Royalty Base

If it is determined that other groups of users are not properly included in the royalty base, my reasonable royalty calculation can be adjusted accordingly, limiting the royalty base for such exclusions. Consequently, the reasonable royalty in this matter would be based on the accused sales that are shown to be properly included in the reasonable royalty base and the reasonable royalty rate of 2.5%. The calculations noted above regarding office locations show an example for completing such a calculation.

Dr. Vellturo makes no allowance in his report for the possibility that some of the accused traffic at Zap2it.com is not infringing or otherwise is not properly included in the damages calculation. He provides no methodology or framework for adjustments. Should exclusions be required, his report and methodology do not provide a basis for measuring damages in this matter.

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[81] See ATTACHMENT 110.
[82] I understand that the statistics for office users tend to be understated as the sampling opportunities in corporate environments are sometimes limited. Some corporations do not allow monitoring of its website traffic.
[83] See Attachment 110 – the traffic estimated from office locations is 50% - 51% depending on the time period.

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I submit this Report, dated February 9, 2007.



Michael H. Chase, CPA

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EXHIBIT A

NAVIGANT CONSULTING

ATTACHMENT A

Michael H. Chase

Michael H. Chase
Managing Director

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Professional History

- Navigant Consulting
  2004 - present
- Tucker Alan Inc.
  1997 - 2004
- Epps, Antonishen & Walworth, P.C.
  1993 - 1997
- Peterson Consulting Limited Partnership
  1984 - 1993

Education & Certifications

- Bachelor of Science, Accounting, Indiana University – Graduated with Highest Distinction
- Certified Public Accountant, Licensed in Illinois, Indiana and Michigan, Accredited in Business Valuation

Professional Associations

- American Institute Of Certified Public Accountants
- Michigan Association Of Certified Public Accountants
- Economic Club Of Detroit
- Licensing Executives Society

Mr. Chase is a CPA and Managing Director in the Litigation and Investigations practice of Navigant Consulting, Inc. He has over 20 years of expertise providing expert analysis and where necessary, expert testimony related to claims for economic damages, claims for increased costs, business valuation and accounting investigations. He has extensive experience in evaluating business issues, financial analyses, valuation questions and damages contentions in a variety of forensic accounting circumstances including commercial disputes. His experience spans across many industries, practice areas and many litigation forums. He has testified in over 50 matters pending in state courts, federal courts and arbitration forums.

Intellectual Property Matters

» Extensive experience on intellectual property assignments including patent infringement matters, copyright infringement, trade dress, trade secrets and other intellectual property claims involving lost profits, price erosion, reasonable royalty, pre-judgment and post judgment interest calculations.

» Numerous expert reports have been prepared in connection with damages studies on intellectual property matters. Related testimony has included numerous depositions and trials, including both bench trials and jury trials.

Patent Infringement Matters

» Analyzed numerous lost profit claims associated with lost unit sales, lost convoyed sales, price erosion, market share erosion, lost head start and other claims of lost profits. Regularly studied and documented the incremental profit for patented products and processes, as well as accused products and processes. Developed significant knowledge of leading cases and common jury instructions related to lost profits including Panduit, Rite-Hite, Grain Processing v American Maize-Products and others. Expert trial testimony has included lost profits calculations.

» Reasonable royalty analysis has also been completed on many patent infringement matters. Analysis and consideration of the

hypothetical negotiation, including the Georgia Pacific factors is routinely completed. Reasonable royalty analysis has included consideration and analysis of existing licenses, established license rates, analytical methods, cost savings, profit improvement, apportionment issues and many other considerations. Considered the appropriateness of the entire market value rule in determining the appropriate royalty base. Developed significant knowledge of leading cases and common jury instructions related to reasonable royalty determinations including Georgia Pacific, Panduit, TWM v Dura, and others. Expert trial testimony has included reasonable royalty analysis and reasonable royalty rate determinations.

» Combinations of lost profits and reasonable royalty claims have been considered and presented in several cases. Evaluation of market share issues has been completed in order to assess the appropriateness of lost profits claims using a market share approach. Detailed analysis of market segments and market shares has been completed to support market share determinations. Developed significant knowledge of leading cases and common jury instructions related to combination claims of lost profits and reasonable royalties such as State Industries v Mor-Flo. Expert trial testimony has included combination claims of lost profits and reasonable royalties.

Trademark, Trade Dress and Copyright Infringement Matters

» Analysis in several cases related to various damages remedies, including actual damages associated with the alleged infringement and analysis of infringer's sales and profits associated with infringement. Consideration and analysis of proper offsets and deductions including properly deducted costs and apportionment issues. Testimony experience includes deposition and trial testimony.

Licensing Related

» Negotiated license terms for a major manufacturer seeking to obtain rights under a patent issued to an individual. Successfully arranged the terms for the assignment of the patent between the parties.

» Analysis of consideration received from licensor on multiple licenses to evaluate whether more favored terms were allowed to one licensee. Net present value analysis of avoided royalties was applied to calculate possible value of cross-licensing terms.

» Analysis and verification of royalty reports, including testing of sales values included in the royalty base and identification of omitted sales subject to royalties.

Trade Secret Matters

» Analysis in a number of cases related to various damages remedies. Analyzed actual damages assertions including lost profits and lost value of alleged trade secrets. Considered and analyzed the possible unjust enrichment to the defendant for trade secret disclosure. Also examined reasonable royalty for use of trade secrets. Testimony experience includes deposition and trial testimony.

Other Commercial Litigation And Damages Studies

» Experience on a variety of other commercial litigation assignments including antitrust, breach of contract, professional malpractice, employment disputes, divorce matters, shareholder disputes, wage loss claims and other litigation assignments. Extensive analysis of cost and profit issues applicable to

each case has been completed. Focus has been on analyzing the accounting issues and damages issues related to the matter. Lost profit and increased cost models have been developed, as appropriate, to help quantify the financial impacts. In addition, business valuation models have been utilized to evaluate the value of business interests at selected points in time. Analysis of business decisions related to the continued operation of troubled businesses has been completed in connection with deepening insolvency claims. Testimony experience includes deposition and trial testimony.

Mutual Fund Analysis and Securities Disputes

- Experience working with mutual fund companies and outside directors in connection with internal investigations related to market timing allegations. Investigations included detailed analysis of historical trading activity, evaluation of gains and losses on trading activity, documentation of holding periods, evaluation of funds flow within mutual funds and consideration of other issues.
- Experience evaluating a hedge fund company's investment experience where we analyzed in great detail the historical return experience achieved from its investments in mutual funds. As part of the analysis, we analyzed daily trading positions for the hedge fund between money market accounts and equity-oriented mutual funds, confirmed and reconstructed historical trading data, computed daily, monthly and annual returns for the hedge fund from its mutual fund investments and compared the hedge fund's returns to broad market indexes. We also identified and summarized academic studies addressing excess returns available from actively trading no-load mutual funds based upon movements in the domestic market and other variables.
- Securities dispute experience where a class of shareholders sued the controlling shareholders and the outside auditors in connection with the spin-off and privatization of a portion of the public company. The class of shareholders contended that the transaction was not properly valued and that later losses on the public portion of the company (held by the class) were due to improper actions of the majority shareholders or the outside auditors. In one claim analyzed, the plaintiff's contended that continuing losses would have been avoided if the auditors had recognized additional loss reserves in earlier time periods. Our work included detailed analysis of the damages claim along with an analysis of the causation assumptions embraced by the opposing expert. The damages analysis revealed many flaws in the plaintiff position, including a $20 million double count from misinterpreted accounting conventions. The causation analysis revealed that earlier recognition of losses would not have impacted future losses during the period studied.

Government Contract Matters

- Participated on numerous assignments assisting government contractors and their counsel. Significant experience in several areas including claims (Requests for Equitable Adjustments), defective pricing analysis, and fraud assertions.
- Claims analysis has included the study and pricing of contract changes, including formal and constructive change orders, the impact of delays, impact of late and defective government furnished information and equipment, disruption, acceleration, changed conditions and other inefficiencies. Many of the claims have involved highly technical and complex components of weapon systems.
- In the area of defective pricing, experience has been focused on quantifying the impact on negotiated contract prices, assuming that additional data had been disclosed during the original pricing negotiations. In one matter, a learning curve model was developed to "recalculate" labor hours after including added points of labor data from the program. The model included many assumptions that

were consistent with the actual negotiations, modified to include additional data. The model formed the basis of a presentation on quantum used in an alternative dispute resolution.

» In the area of alleged fraud, experience has included the analysis of financial disclosures and bid projections to determine if false statements or unreasonable assumptions were used in pricing negotiations. Detailed analysis of historical records and projections were completed in order to support testimony that the contractor's estimates and related representations to the government were free of false statements and based on reasonable assumptions.

Construction Matters

» On construction projects, a variety of claims have been examined and priced. Experience has included formal and constructive change orders, delay claims, disruption claims, and acceleration claims. In the construction area, experience includes projects related to nuclear power plants, high rise condominiums, telephone systems, flexible manufacturing systems, ships, aircraft, and rail cars.

Publications

» Panelist "Proving Damages in Patent Trials," *The Patent Lawyer*, Winter 2005

Testimony and Alternative Dispute Resolution Experience

» Testified as an expert witness in both jury and bench trials in federal and state courts.

» Testimony has covered a variety of damages issues and other financial considerations.

» Testimony has been in connection with cases throughout the country including:

» U.S. District Court – Eastern District of Michigan

» U.S. District Court – Central District of California

» U.S. District Court – District of Colorado

» U.S. District Court – District of Delaware

» U.S. District Court – Northern District of Illinois

» U.S. District Court – District of Minnesota

» U.S. District Court – Eastern District of Missouri

» U.S. District Court – District of New Jersey

» U.S. District Court – Southern District of New York

» U.S. District Court – District of South Dakota

» U.S. District Court – Middle District of Tennessee

» U.S. District Court – Western District of Wisconsin

» State of Michigan Circuit Court – Counties of Berrien, Grand Traverse, Macomb, Oakland, Osceola, and Wayne

» State of Michigan – Michigan Tax Tribunal

- Actively participated in settlement negotiations on a variety of matters. Have also presented damages analysis in formal alternative dispute resolution settings.
- Prepared other expert witnesses for testimony.

ATTACHMENT B

NAVIGANT CONSULTING

Deposition And Trial Testimony Of Michael H. Chiu

Kelsey-Hayes Company v. Automotive Brake Company, Inc. Brake Parts Inc., and Dana Corporation, U.S. District Court, Eastern District of Michigan, Southern Division (Deposition), 2003

Rehrig Pacific Company v. Norseman Plastics Limited, Inc., U.S. District Court, Central District of California (Deposition), 2003

Robert D. Thompson v. Microsoft Corporation, U.S. District Court, Eastern District of Michigan, Southern Division (Deposition), 2004

General Motors Corporation v. Keystone Automotive Industries, Inc. and Tong Yang Industrial Co., LTD., U.S. District Court, Eastern District of Michigan, Southern Division (Deposition), 2004

Storage Technologies Corporation v. Quantum Corporation, U.S. District Court, District of Colorado (Deposition), 2005

Blackhawk Molding Co., Inc. v. Portola Packaging, Inc., U.S. District Court, Northern District of Illinois, Eastern Division (Deposition), 2005

New Sensations, LLC v. Conair Corporation, U.S. District Court, District of Colorado (Trial), 2005

General Motors Corporation v. Lanard Toys, Inc. and Lanard Toys Limited, U.S. District Court, Eastern District of Michigan, Southern Division (Trial, Deposition, Trial), 2002, 2003, 2005

Thomas Industries Inc. v. Gast Manufacturing, Inc., U.S. District Court, Western District of Wisconsin (Deposition), 2005

David Alan Speers et al v. County of Berrien et al, U.S. District Court, Western District of Michigan, Southern Division (Deposition), 2005

E.I. DuPont De Nemours and Company v. Cardinal Health 200, Inc., BBA Group U.S. Holdings, Inc., and BBA Nonwovens Simpsonville, Inc. U.S. District Court, Middle District of Tennessee, Nashville Division (Deposition), 2005

Juicy Whip, Inc. v. Orange Bang, Inc. and Unique Beverage Dispensers, Inc., U.S. District Court, Central District of California, Western Division (Deposition), 2000; (Trial), 2003; (Trial), 2005

Laminate Products, Inc. et al v. Guardian Automotive Corporation, et al., State of Michigan in the Circuit Court for the County of Macomb (Trial), 2005

Warrior Lacrosse, Inc. v. STX, LLC, U.S District Court, Eastern District of Michigan, Southern Division (Deposition), 2005

Peter E. Maritz, et al. v. Maritz Inc., et al., State of Missouri in the Circuit Court of the County of St. Louis (Deposition), 2006

NAVIGANT CONSULTING

Deposition And Trial Testimony Of Michael H. Chase

Mars Incorporated v. Coin Acceptors, Inc., U.S. District Court, For The District Of New Jersey (Deposition), 2002; (Trial), 2006

Leggett & Platt, Incorporated et al. v. Vutek Inc., U. S. District Court, Eastern District of Missouri (Deposition), 2006

Single Chip Systems Corporation and Neology, S. de R.L. de C.V. v. Intermec IP Corp., Transcore, LP, and Transcore Holdings, Inc., U.S. District Court, Southern District of California (Deposition), 2006

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TMS	0000001	TMS	0000007	TMS	0006234	TMS	0006234
TMS	0001291	TMS	0001388	TMS	0006354	TMS	0006358
TMS	0001330	TMS	0001330	TMS	0006385	TMS	0006386
TMS	0001337	TMS	0001345	TMS	0006387	TMS	0006388
TMS	0001347	TMS	0001349	TMS	0006389	TMS	0006390
TMS	0001381	TMS	0001386	TMS	0006453	TMS	0006453
TMS	0001583	TMS	0001695	TMS	0006454	TMS	0006454
TMS	0001701	TMS	0001720	TMS	0007163	TMS	0007169
TMS	0001756	TMS	0001801	TMS	0007833	TMS	0007835
TMS	0001844	TMS	0001844	TMS	0008823	TMS	0008828
TMS	0001846	TMS	0001848	TMS	0008829	TMS	0008829
TMS	0001911	TMS	0001911	TMS	0008831	TMS	0008833
TMS	0001916	TMS	0001916	TMS	0008967	TMS	0008979
TMS	0001917	TMS	0001917	TMS	0008984	TMS	0009024
TMS	0001918	TMS	0001948	TMS	0009025	TMS	0009040
TMS	0002030	TMS	0002054	TMS	0009165	TMS	0009177
TMS	0002056	TMS	0002069	TMS	0009218	TMS	0009238
TMS	0002072	TMS	0002081	TMS	0009378	TMS	0009380
TMS	0002086	TMS	0002088	TMS	0013014	TMS	0013023
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TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

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TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

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TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

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TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

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TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

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TG	0006156	TG	0006230	TG	0008281	TG	0008295
TG	0006234	TG	0006324	TG	0008301	TG	0008322
TG	0006328	TG	0006343	TG	0008493	TG	0008548
TG	0006353	TG	0006359	TG	0008556	TG	0008569
TG	0006368	TG	0006372	TG	0008662	TG	0008673
TG	0006381	TG	0006464	TG	0008675	TG	0008677
TG	0006473	TG	0006481	TG	0008679	TG	0008693
TG	0006577	TG	0006613	TG	0008707	TG	0008728
TG	0006621	TG	0006644	TG	0008901	TG	0008922
TG	0006676	TG	0006841	TG	0009096	TG	0009097
TG	0006851	TG	0006852	TG	0009096	TG	0009097
TG	0006870	TG	0006871	TG	0009120	TG	0009125
TG	0006886	TG	0006964	TG	0009172	TG	0009507
TG	0006942	TG	0006963	TG	0009722	TG	0009722
TG	0006942	TG	0006963	TG	0009910	TG	0009911
TG	0006966	TG	0006972	TG	0009915	TG	0009915
TG	0007011	TG	0007069	TG	0010058	TG	0010058
TG	0007077	TG	0007077	TG	0010319	TG	0010321
TG	0007092	TG	0007093	TG	0010415	TG	0010415
TG	0007095	TG	0007102	TG	0010520	TG	0010520
TG	0007106	TG	0007109	TG	0010578	TG	0010578

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0010666	TG	0010704	TG	0024321	TG	0024350
TG	0013158	TG	0013282	TG	0024354	TG	0024381
TG	0013360	TG	0013374	TG	0024406	TG	0024413
TG	0013380	TG	0013381	TG	0024415	TG	0024441
TG	0013391	TG	0013391	TG	0024444	TG	0024444
TG	0013393	TG	0013404	TG	0024492	TG	0024497
TG	0013397	TG	0013397	TG	0024563	TG	0024575
TG	0013420	TG	0013420	TG	0024803	TG	0024805
TG	0018784	TG	0018841	TG	0024815	TG	0024820
TG	0018842	TG	0018887	TG	0024830	TG	0024835
TG	0018888	TG	0018916	TG	0024846	TG	0024858
TG	0018917	TG	0018919	TG	0024893	TG	0024898
TG	0018937	TG	0018947	TG	0024899	TG	0024925
TG	0018957	TG	0018968	TG	0024899	TG	0024925
TG	0019007	TG	0019007	TG	0024926	TG	0025052
TG	0019011	TG	0019014	TG	0025179	TG	0025182
TG	0019017	TG	0019055	TG	0025185	TG	0025187
TG	0019036	TG	0019055	TG	0025189	TG	0025189
TG	0019057	TG	0019060	TG	0025192	TG	0025192
TG	0019066	TG	0019066	TG	0025194	TG	0025195
TG	0019081	TG	0019082	TG	0025197	TG	0025197
TG	0021609	TG	0021611	TG	0025255	TG	0025274
TG	0021609	TG	0021615	TG	0025934	TG	0025950
TG	0021612	TG	0021613	TG	0025957	TG	0025959
TG	0021620	TG	0021625	TG	0025962	TG	0025968
TG	0021650	TG	0021650	TG	0025970	TG	0025974
TG	0021657	TG	0021657	TG	0025978	TG	0025978
TG	0022090	TG	0022093	TG	0025982	TG	0025986
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TG	0022974	TG	0022996	TG	0026027	TG	0026079
TG	0022999	TG	0023003	TG	0026136	TG	0026204
TG	0023006	TG	0023010	TG	0026206	TG	0026261
TG	0023015	TG	0023024	TG	0026263	TG	0026301
TG	0023032	TG	0023067	TG	0026505	TG	0026519
TG	0024078	TG	0024114	TG	0026546	TG	0026549
TG	0024128	TG	0024130	TG	0026565	TG	0026586
TG	0024141	TG	0024151	TG	0026729	TG	0026753
TG	0024170	TG	0024171	TG	0026757	TG	0026759
TG	0024173	TG	0024174	TG	0026765	TG	0026772
TG	0024176	TG	0024185	TG	0026774	TG	0026791
TG	0024187	TG	0024197	TG	0026798	TG	0026819
TG	0024199	TG	0024202	TG	0026837	TG	0026852
TG	0024204	TG	0024209	TG	0026872	TG	0026884
TG	0024211	TG	0024213	TG	0026886	TG	0026913
TG	0024215	TG	0024220	TG	0026959	TG	0026966
TG	0024222	TG	0024222	TG	0027142	TG	0027178
TG	0024224	TG	0024239	TG	0027294	TG	0027362
TG	0024241	TG	0024249	TG	0027364	TG	0027419
TG	0024251	TG	0024252	TG	0027421	TG	0027459
TG	0024254	TG	0024265	TG	0027462	TG	0027543
TG	0024267	TG	0024271	TG	0027569	TG	0027594
TG	0024273	TG	0024275	TG	0027600	TG	0027635
TG	0024277	TG	0024278	TG	0027639	TG	0027662
TG	0024280	TG	0024280	TG	0027844	TG	0027864
TG	0024283	TG	0024305	TG	0027893	TG	0027901
TG	0024307	TG	0024312	TG	0027915	TG	0027929

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0027941	TG	0027983	TG	0031152	TG	0031158
TG	0028022	TG	0028206	TG	0031160	TG	0031162
TG	0028298	TG	0028353	TG	0031259	TG	0031262
TG	0028358	TG	0028391	TG	0031289	TG	0031400
TG	0028393	TG	0028425	TG	0031434	TG	0031449
TG	0028428	TG	0028450	TG	0031451	TG	0031472
TG	0028455	TG	0028461	TG	0031555	TG	0031563
TG	0028550	TG	0028584	TG	0031565	TG	0031580
TG	0028585	TG	0028587	TG	0031624	TG	0031625
TG	0028589	TG	0028597	TG	0031627	TG	0031628
TG	0028603	TG	0028627	TG	0031635	TG	0031636
TG	0028632	TG	0028632	TG	0031639	TG	0031640
TG	0028635	TG	0028640	TG	0037361	TG	0037384
TG	0028646	TG	0028646	TG	0037391	TG	0037399
TG	0028648	TG	0028648	TG	0037401	TG	0037406
TG	0028662	TG	0028663	TG	0037578	TG	0037581
TG	0028687	TG	0028687	TG	0037583	TG	0037601
TG	0028691	TG	0028693	TG	0037583	TG	0037608
TG	0028700	TG	0028703	TG	0037822	TG	0037822
TG	0028753	TG	0028763	TG	0037842	TG	0037863
TG	0028753	TG	0028763	TG	0037870	TG	0037871
TG	0028784	TG	0028784	TG	0037876	TG	0037899
TG	0028794	TG	0028799	TG	0037909	TG	0037933
TG	0028855	TG	0028980	TG	0037977	TG	0037978
TG	0028985	TG	0029037	TG	0038086	TG	0038087
TG	0029038	TG	0029040	TG	0038089	TG	0038089
TG	0029043	TG	0029085	TG	0038117	TG	0038140
TG	0029066	TG	0029085	TG	0038198	TG	0038201
TG	0029833	TG	0029884	TG	0038203	TG	0038206
TG	0029833	TG	0029884	TG	0038226	TG	0038227
TG	0029905	TG	0029910	TG	0038314	TG	0038316
TG	0030130	TG	0030153	TG	0038331	TG	0038332
TG	0030130	TG	0030153	TG	0038335	TG	0038338
TG	0030263	TG	0030266	TG	0038345	TG	0038345
TG	0030495	TG	0030503	TG	0038348	TG	0038348
TG	0030512	TG	0030536	TG	0038440	TG	0038443
TG	0030538	TG	0030544	TG	0038458	TG	0038461
TG	0030538	TG	0030552	TG	0038465	TG	0038466
TG	0030554	TG	0030560	TG	0038508	TG	0038511
TG	0030554	TG	0030560	TG	0038599	TG	0038603
TG	0030564	TG	0030633	TG	0038933	TG	0038936
TG	0030652	TG	0030671	TG	0039008	TG	0039010
TG	0030747	TG	0030808	TG	0039035	TG	0039038
TG	0030921	TG	0030935	TG	0039065	TG	0039066
TG	0030937	TG	0030942	TG	0039082	TG	0039088
TG	0030944	TG	0030958	TG	0039103	TG	0039103
TG	0030960	TG	0030960	TG	0039116	TG	0039117
TG	0030962	TG	0031018	TG	0039128	TG	0039128
TG	0031020	TG	0031041	TG	0039141	TG	0039144
TG	0031043	TG	0031043	TG	0039209	TG	0039211
TG	0031049	TG	0031057	TG	0039253	TG	0039275
TG	0031059	TG	0031059	TG	0039280	TG	0039282
TG	0031061	TG	0031064	TG	0039289	TG	0039290
TG	0031068	TG	0031081	TG	0039292	TG	0039293
TG	0031085	TG	0031085	TG	0039295	TG	0039296
TG	0031087	TG	0031112	TG	0039313	TG	0039316

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0039389	TG	0039390	TG	0044834	TG	0044838
TG	0039392	TG	0039394	TG	0045214	TG	0045216
TG	0039396	TG	0039398	TG	0045219	TG	0045224
TG	0039400	TG	0039402	TG	0045235	TG	0045275
TG	0039406	TG	0036409	TG	0045280	TG	0045380
TG	0039479	TG	0039480	TG	0045408	TG	0045463
TG	0039482	TG	0039484	TG	0045592	TG	0045594
TG	0039497	TG	0039500	TG	0045626	TG	0045626
TG	0039614	TG	0039617	TG	0045681	TG	0045718
TG	0039619	TG	0039622	TG	0045721	TG	0045730
TG	0039718	TG	0039720	TG	0045844	TG	0045846
TG	0039725	TG	0039727	TG	0046064	TG	0046067
TG	0039758	TG	0039762	TG	0046077	TG	0046081
TG	0039782	TG	0039787	TG	0046091	TG	0046104
TG	0039804	TG	0039804	TG	0046106	TG	0046108
TG	0039934	TG	0039936	TG	0046110	TG	0046112
TG	0039934	TG	0039936	TG	0046128	TG	0046130
TG	0040122	TG	0040123	TG	0046134	TG	0046146
TG	0040144	TG	0040150	TG	0046167	TG	0046198
TG	0040153	TG	0040176	TG	0046202	TG	0046204
TG	0040184	TG	0040201	TG	0046266	TG	0046271
TG	0040203	TG	0040220	TG	0046282	TG	0046284
TG	0040277	TG	0040287	TG	0046388	TG	0046478
TG	0040292	TG	0040298	TG	0046480	TG	0046482
TG	0040707	TG	0040733	TG	0046483	TG	0046499
TG	0040939	TG	0040962	TG	0046504	TG	0046506
TG	0040964	TG	0040973	TG	0046513	TG	0046515
TG	0040998	TG	0041007	TG	0046536	TG	0046560
TG	0041027	TG	0041030	TG	0046606	TG	0046636
TG	0041268	TG	0041291	TG	0046642	TG	0046675
TG	0041339	TG	0041344	TG	0046685	TG	0046708
TG	0041347	TG	0041353	TG	0046711	TG	0046716
TG	0041386	TG	0041432	TG	0046721	TG	0046723
TG	0041386	TG	0041484	TG	0046794	TG	0046811
TG	0041588	TG	0041593	TG	0046888	TG	0046893
TG	0041939	TG	0041957	TG	0046906	TG	0046923
TG	0042133	TG	0042152	TG	0047031	TG	0047062
TG	0042154	TG	0042159	TG	0047116	TG	0047137
TG	0042194	TG	0042210	TG	0047142	TG	0047144
TG	0042212	TG	0042223	TG	0047148	TG	0047153
TG	0042373	TG	0042375	TG	0047157	TG	0047162
TG	0042658	TG	0042710	TG	0047179	TG	0047184
TG	0042712	TG	0042733	TG	0047260	TG	0047264
TG	0042865	TG	0042870	TG	0047303	TG	0047313
TG	0043030	TG	0043104	TG	0047317	TG	0047319
TG	0043827	TG	0043843	TG	0047363	TG	0047408
TG	0043827	TG	0021613	TG	0047420	TG	0047459
TG	0043914	TG	0043947	TG	0047474	TG	0047476
TG	0044002	TG	0044036	TG	0047479	TG	0047504
TG	0044139	TG	0044164	TG	0047515	TG	0047525
TG	0044181	TG	0044200	TG	0047548	TG	0047549
TG	0044221	TG	0044240	TG	0047560	TG	0047585
TG	0044578	TG	0044607	TG	0047635	TG	0047647
TG	0044646	TG	0044650	TG	0047694	TG	0047726
TG	0044671	TG	0044674	TG	0047732	TG	0047789
TG	0044780	TG	0044783	TG	0047821	TG	0047828

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0047860	TG	0047879	TG	0051605	TG	0051619
TG	0047893	TG	0047896	TG	0051624	TG	0051627
TG	0047914	TG	0047933	TG	0053392	TG	0053401
TG	0047938	TG	0047939	TG	0053601	TG	0053621
TG	0047945	TG	0047947	TG	0054088	TG	0054101
TG	0047949	TG	0048000	TG	0054119	TG	0054128
TG	0048095	TG	0048097	TG	0054297	TG	0054317
TG	0048102	TG	0048104	TG	0054452	TG	0054455
TG	0048226	TG	0048365	TG	0054855	TG	0054875
TG	0048370	TG	0048431	TG	0055652	TG	0055672
TG	0048460	TG	0048462	TG	0056478	TG	0056481
TG	0048473	TG	0048492	TG	0056494	TG	0056494
TG	0048531	TG	0048557	TG	0056498	TG	0056505
TG	0048580	TG	0048611	TG	0056508	TG	0056509
TG	0048642	TG	0048644	TG	0058354	TG	0058358
TG	0048679	TG	0048681	TG	0059753	TG	0059795
TG	0048729	TG	0048737	TG	0059753	TG	0059795
TG	0048747	TG	0048747	TG	0059977	TG	0059977
TG	0048752	TG	0048777	TG	0060030	TG	0060030
TG	0048799	TG	0048804	TG	0060065	TG	0060088
TG	0048809	TG	0048811	TG	0060102	TG	0060102
TG	0048931	TG	0048936	TG	0060102	TG	0060102
TG	0048979	TG	0048990	TG	0060191	TG	0060202
TG	0048996	TG	0048998	TG	0060426	TG	0060461
TG	0049016	TG	0049050	TG	0060462	TG	0060500
TG	0049053	TG	0049101	TG	0060511	TG	0060541
TG	0049198	TG	0049229	TG	0060542	TG	0060549
TG	0049252	TG	0049319	TG	0060550	TG	0060577
TG	0049432	TG	0049443	TG	0060578	TG	0060586
TG	0049552	TG	0049555	TG	0060587	TG	0060615
TG	0049567	TG	0049570	TG	0060616	TG	0060648
TG	0049578	TG	0049580	TG	0060649	TG	0060700
TG	0049598	TG	0049600	TG	0060701	TG	0060727
TG	0049606	TG	0049608	TG	0060701	TG	0060741
TG	0049618	TG	0049639	TG	0060776	TG	0060787
TG	0049649	TG	0049666	TG	0061476	TG	0061481
TG	0049673	TG	0049694	TG	0061496	TG	0061497
TG	0049697	TG	0049721	TG	0061981	TG	0062000
TG	0049729	TG	0049738	TG	0062019	TG	0062020
TG	0049806	TG	0049819	TG	0062051	TG	0062051
TG	0050041	TG	0050060	TG	0062061	TG	0062061
TG	0050080	TG	0050080	TG	0062071	TG	0062071
TG	0050270	TG	0050282	TG	0062083	TG	0062083
TG	0050318	TG	0050327	TG	0062127	TG	0062127
TG	0050375	TG	0050394	TG	0062166	TG	0062166
TG	0050470	TG	0050472	TG	0062180	TG	0062180
TG	0050741	TG	0050752	TG	0062188	TG	0062188
TG	0050773	TG	0050780	TG	0062189	TG	0062189
TG	0050880	TG	0050892	TG	0062241	TG	0062248
TG	0050894	TG	0050894	TG	0062249	TG	0062256
TG	0050979	TG	0050997	TG	0062261	TG	0062262
TG	0051000	TG	0051002	TG	0062267	TG	0062270
TG	0051152	TG	0051211	TG	0062369	TG	0062370
TG	0051289	TG	0051312	TG	0062413	TG	0062415
TG	0051451	TG	0051480	TG	0062506	TG	0062508
TG	0051557	TG	0051568	TG	0066592	TG	0066595

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.
Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0067720	TG	0067720	TG	0151018	TG	0151115
TG	0067912	TG	0067912	TG	0151116	TG	0151153
TG	0068737	TG	0068737	TG	0151154	TG	0151185
TG	0079168	TG	0079199	TG	0151186	TG	0151225
TG	0079214	TG	0079221	TG	0151598	TG	0151744
TG	0079250	TG	0079254	TG	0151795	TG	0151796
TG	0079255	TG	0079276	TG	0151802	TG	0151860
TG	0080047	TG	0080052	TG	0152022	TG	0152174
TG	0080073	TG	0080076	TG	0152184	TG	0152185
TG	0080109	TG	0080225	TG	0152231	TG	0152238
TG	0080238	TG	0080298	TG	0152243	TG	0152246
TG	0080311	TG	0080312	TG	0152253	TG	0152264
TG	0080320	TG	0080320	TG	0152253	TG	0122311
TG	0080374	TG	0080376	TG	0152312	TG	0152326
TG	0080509	TG	0080510	TG	0153815	TG	0153907
TG	0081287	TG	0081323	TG	0154074	TG	0154077
TG	0081394	TG	0081430	TG	0154090	TG	0154092
TG	0081435	TG	0081477	TG	0154455	TG	0154470
TG	0082410	TG	0082476	TG	0155539	TG	0155560
TG	0082480	TG	0082550	TG	0155539	TG	0155605
TG	0138492	TG	0138494	TG	0155949	TG	0155973
TG	0140231	TG	0140329	TG	0157992	TG	0158006
TG	0141387	TG	0141505	TG	0159115	TG	0159122
TG	0142536	TG	0142645	TG	0159639	TG	0159657
TG	0145864	TG	0145867	TG	0159703	TG	0159710
TG	0147331	TG	0147331	TG	0159751	TG	0159752
TG	0148810	TG	0148811	TG	0159855	TG	0159883
TG	0149013	TG	0149036	TG	0159884	TG	0159902
TG	0149206	TG	0149209	TG	0159903	TG	0159927
TG	0149221	TG	0149224	TG	0159984	TG	0159902
TG	0149235	TG	0149237	TG	0160077	TG	0160101
TG	0149253	TG	0149290	TG	0162614	TG	0162575
TG	0149461	TG	0149461	TG	0163083	TG	0163092
TG	0149498	TG	0149505	TG	0163083	TG	0163083
TG	0149507	TG	0149509	TG	0163376	TG	0163386
TG	0149517	TG	0149518	TG	0163376	TG	0163376
TG	0149520	TG	0149521	TG	0163425	TG	0163434
TG	0149608	TG	0149612	TG	0163425	TG	0163425
TG	0149614	TG	0149618	TG	0163441	TG	0163441
TG	0149620	TG	0149627	TG	0163496	TG	0164160
TG	0149659	TG	0149665	TG	0163607	TG	0163665
TG	0149669	TG	0149677	TG	0163921	TG	0163936
TG	0149679	TG	0149687	TG	0164785	TG	0164793
TG	0149690	TG	0149698	TG	0164800	TG	0165097
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TG	0150078	TG	0150080	TG	0171970	TG	0171977
TG	0150312	TG	0150313	TG	0172051	TG	0172053
TG	0150343	TG	0105346	TG	0180350	TG	0180493
TG	0150359	TG	0150367	TG	0180350	TG	0180516A
TG	0150377	TG	0150384	TG	0180517	TG	0180634
TG	0150386	TG	0150388	TG	0180517	TG	0180634
TG	0150402	TG	0150402	TG	0180517	TG	0180652
TG	0150484	TG	0150485	TG	0180872	TG	0180892
TG	0150489	TG	0150493	TG	0181082	TG	0181227
TG	0150505	TG	0150507	TG	0181228	TG	0181698
TG	0150907	TG	0151017	TG	0181450	TG	0181490

TV Guide Online, Inc. And TV Guide Online, LLC v. Tribune Media Services, Inc.

Documents And Other Information Reviewed

Beginning Bates		Ending Bates		Beginning Bates		Ending Bates	
TG	0181715	TG	0181743	TG	0185970	TG	0185984
TG	0181715	TG	0181730	TG	0185985	TG	0186008
TG	0184726	TG	0184757	TG	0188563	TG	0188624
TG	0184792	TG	0184811	TG	0188625	TG	0188626
TG	0184863	TG	0184892	TG	0191257	TG	0194034
TG	0184895	TG	0184913				
TG	0185524	TG	0185526				
TG	0185524	TG	0185603				
TG	0185527	TG	0185529				
TG	0185537	TG	0185582				
TG	0185583	TG	0185596				
TG	0185601	TG	0185603				
TG	0185652	TG	0185715				
TG	0185704	TG	0185705				
TG	0185731	TG	0185731				
TG	0185751	TG	0185755				
TG	0185777	TG	0185791				
TG	0185792	TG	0185799				
TG	0185801	TG	0185953				

Documents Not Bearing Bates-Stamping

1 Complaint, 10/12/2005
2 Defendant's Answer, Affirmative Defenses, And Counterclaims, 2/1/2006
3 Plaintiff's Answers To Defendant's Counterclaims, 2/21/2006
4 TMS' Responses To TV Guide's First Set Of Interrogatories, 4/10/2006
5 Tribune Media Services' First Supplemental Response To Plaintiff's Interrogatories, 7/14/2006
6 Tribune Media Services' Second Supplemental Response To Plaintiff's Interrogatories, 12/4/2006
7 TMS' Responses To TV Guide's Second Set Of Interrogatories, 6/23/2006
8 TMS' Responses To TV Guide's Third Set Of Interrogatories, 9/18/2006
9 TMS' Responses To TV Guide's Fourth Set Of Interrogatories, 10/10/2006
10 TMS Interrogatory 18 with TV Guide Response and Supplemental Responses
11 Plaintiffs' December 4, 2006 Supplemental Responses And Objections To Defendant's Interrogatory Nos. 1, 4, 10, 11, 12, 13, 14, 17, 18 And 19
12 Tribune Media Services' Notice Of Deposition Of TV Guide Pursuant To Federal Rule Of Civil Procedure 30(b)(6), 7/26/2006
13 Tribune Media Services' Notice Of Deposition Of TV Guide Pursuant To Federal Rule Of Civil Procedure 30(b)(6), 7/26/2006
14 Tribune Media Services' Notice Of Deposition Of TV Guide Pursuant To Federal Rule Of Civil Procedure 30(b)(6), 9/6/2006
15 TV Guide Online's Notice of Deposition of TMS Pursuant to Federal Rule of Civil Procedure 30(b)(6), 8/7/2006
16 TV Guide's Notice of Deposition of Tribune Media Services, Inc. Pursuant to Federal Rule of Civil Procedure 30(b)(6), 5/17/2006
17 TV Guide's Opening Brief in Support of its Motion to Bifurcate Trial and Stay Discovery of TMS's Affirmative Defense and Counterclaim of Patent Misuse, 8/28/2006
18 TMS's Answering Brief in Opposition to TV Guide's Motion to Bifurcate Trial and Stay Discovery on TMS's Affirmative Defense and Counterclaim of Patent Misuse, 9/12/2006
19 TV Guide's Reply Brief in Support of Its Motion to Bifurcate Trial and Stay Discovery of TMS's Affirmative Defense and Counterclaim of Patent Misuse, 9/21/2006
20 Stipulation and Order to Bifurcate Trial and Stay Discovery on TMS's Affirmative Defense and Counterclaim of Patent Misuse
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26 TV Guide Online's Responses to TMS's Second Set of Requests for Admissions, 10/10/2006

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Documents Not Bearing Bates-Stamping

27	Plaintiffs' TV Guide Online, Inc. and TV Guide Online, LLC's Answering Memorandum in Opposition to TMS's Motion to Dismiss Plaintiff TV Guide Online, Inc., 12/5/2006
28	Reply Brief In Support Of Defendant Tribune Media Services, Inc.'s Motion To Dismiss Plaintiff TV Guide Online, Inc., 12/19/2006
29	Memorandum Of Law In Support Of Defendant Tribune Media Services, Inc.'s Motion To Dismiss Plaintiff TV Guide Online, Inc., 11/20/2006
30	Plaintiffs' Initial Disclosures, 3/17/2006
31	Defendant's Initial Disclosures Pursuant to Rule 26(a)(1), 3/17/2006
32	Plaintiff's TV Guide Online, Inc. and TV Guide Online, LLC's Motion to Dismiss Defendant's Counterclaim for Alleged Patent Misuse and to Strike Defendant's Patent Misuse Defense, 2/21/2006
33	Declaration of Samir B. Armaly in Support of Plaintiffs' Motion to Dismiss Defendant's Counterclaim for Alleged Patent Misuse and to Strike Defendant's Patent Misuse Defense, 2/21/2006
34	Declaration of Samir B. Armaly in Support of TV Guide's Oppostion to TMS's Motion to Dismiss TV Guide Online, Inc., 12/5/2006
35	Declaration of Melanie Sims Frank in Support of Plaintiffs' Motion to Bifurcate Trial and Stay Discovery of TMS's Affirmative Defense and Counterclaim of Patent Misuse, 9/21/2006
36	U.S. Patent No. 5,988,078
37	Deposition Of Kathleen Tolstrup And Exhibits, 8/9/2006
38	Deposition Of Kevin McFall And Exhibits, 8/9/2006
39	Deposition Of Kevin McFall, 10/2/2006
40	Deposition Of Kevin McFall, 11/30/2006
41	Deposition Of Akira Yamada And Exhibits, 8/29/2006
42	Deposition Of Michael Silver And Exhibits, 9/8/2006
43	Deposition Of Barbara Needleman And Exhibits, 9/29/2006
44	Deposition Of Barry Berkov, 10/11/2006
45	Deposition Of Richard Cusick And Exhibits, 10/19/2006
46	Deposition Of Robin Mulvaney And Exhibits, 10/20/2006
47	Deposition Of Jay Fehnel And Exhibits, 10/25/2006
48	Deposition Of Samir Armaly And Exhibits, excluding Exhibit 67, 10/18/2006
49	Deposition Of Samir Armaly, 1/31/2007
50	Deposition Of Richard Cusick And Exhibits, 11/15/2006
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69	Discussions with Beth Fulkerson
70	Discussions with Greg Loose
71	Discussions with Kathy Tolstrup
72	Discussions with Mark Yamada
73	Discussions with Rebecca Baldwin
74	Discussions with Robin Mulvaney

ATTACHMENT D UNDER SEAL

ATTACHMENT E UNDER SEAL

ATTACHMENT F UNDER SEAL

ATTACHMENTS 100-505 UNDER SEAL

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of February, 2007, I electronically filed the foregoing document, **PUBLIC VERSION OF REBUTTAL EXPERT REPORT OF MICHAEL H. CHASE ON DAMAGES**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

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