



Falex Litigation Technical Investigations Intellectual Property Management and Disputes

Falex Litigation Technical Investigations conducts accident and failure analysis investigations for insurers and litigators. Our cases typically involve the performance of materials, materials compatibility, friction and wear, lubrication, the design process, and issues involving installation, maintenance, and adherence to codes and standards. We also offer unique capabilities and consulting services to support companies and attorneys dealing with intellectual property monetization and disputes.

Intellectual property is an important, sometimes dominant, component of a company's value. We at Falex Litigation Technical Investigations recognize that intellectual property management (especially monetization) and disputes are different than accidents and product liability cases, and we offer services that are unique and specifically tailored to the intellectual property community.

Although we offer the services and experience that are typical of this area (e.g. understanding of how to read and apply patent claims and membership in corporate and academic patent programs), our services uniquely target two challenges:

1. Those related to the limited degree of reduction to practice that is typical of many patents, especially those intended for monetization through licensing
2. Those related to proving the technical extent of scope of claims and if claimed infringing technology falls within the scope of the claims allegedly infringed

Overcoming both challenges involves prototyping and testing. Although computer modeling and simulation are valuable, prototyping and testing validate the computer simulation and offer a more understandable and compelling demonstration to laypeople. The key to benefiting from prototyping and testing is to have the base of capability required to make prototyping and testing practical and cost effective, and that is exactly what we are offering.

A unique resource at our disposal is the equipment and engineering design capability of the Falex Corporation, of which we are a division, focused on serving insurers and litigators. The Falex Corporation has a history of more than 90 years in developing test methods and designing industry-leading test instruments. Falex's core competencies include motion control, motors, pumps, regulatory control systems, and supervisory control and data acquisition systems. This allows the staff of Falex Litigation Technical Investigations to quickly and reliably implement realistic prototypes and conduct any needed non-standard tests. Falex Litigation Technical Investigations



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also has a core competency in electrochemistry and semiconductor sensors and devices that is rare and is especially relevant today. This means that we provide the insight that intellectual property litigators need for issues related to batteries of all types, sensors, and many electronic devices.

The Falex Corporation is also the industry leader and most respected manufacturer of tribology test equipment. Falex equipment is the basis of many ASTM standards, and Falex has been instrumental in developing these standards. Falex operates the premier tribology testing laboratory, offering the broadest range of tests available.

For intellectual property litigators, Falex Litigation Technical Investigations staff members are litigation-tested expert witnesses who are adept at using realistic bench-scale tests that accurately replicate the type of contact (point, line, conformal, etc.), the type of motion (sliding, rolling, unidirectional or oscillatory), the contact pressure, lubrication (if any), and the environmental conditions. Using industry standard test instruments and modified ASTM standards, this approach offers the capability to setup realistic simulations of many mechanical systems. The test instruments are computer-controlled and highly-instrumented, providing a degree of control and a quality of measurement that is hard to achieve in full-scale tests. The flexibility of the bench-scale tests allows a wider range of conditions to be measured, and enough replicates to obtain meaningful statistics, estimates, and projections.

Falex Litigation Technical Investigations also offers the more typical consulting services in support of intellectual property management, valuation, and dispute resolution. Our staff members hold patents and have served in corporate and academic intellectual property programs.

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Falex Litigation Technical Investigations was formed to provide litigators, insurers, and corporate counsel with expert witness consulting and scientific investigations that are informed by core competencies in the physical sciences, materials performance, and tribology - the science of friction, wear, and lubrication - to provide better outcomes at lower cost with intellectual property disputes, product failures, process incidents, accident investigations, and Consumer Product Safety Commission recalls and issues.