



## **Kathleen E. Akers**

Director

Epsilon Economics

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## **Summary**

Kathleen Akers is a Director at Epsilon Economics specializing in applying economics to intellectual property, international trade, and complex commercial disputes. Kathleen has assisted in preparing numerous expert reports submitted to U.S. Federal District Courts, the U.S. International Trade Commission, the International Court of Arbitration, as well as provided consulting services for clients across a wide range of industries.

Kathleen has performed economic analysis for international trade disputes regarding domestic industry, remedy, bond, commercial success, injury, and public interest in Section 337 intellectual property matters before the U.S. International Trade Commission. Additionally, she has provided consulting services for a variety of business disputes and conducted complex damages analyses including reasonable royalty analysis, lost profits determination, risk adjusted discounted cash flow analysis, other valuation analyses, as well as performed extensive market research of financial and historical data. While working on investigations filed in U.S. Federal District Courts, the U.S. International Trade Commission, and International Arbitration proceedings, she has assisted in consulting on litigation matters involving breach of contract, intellectual property infringement (including patents, trademarks, copyrights, and trade secrets), F/RAND disputes over standard essential patents, and antitrust violations, primarily in the high technology, consumer electronics, and retail industries.

Kathleen holds a B.A. in Economics from the University of Chicago, where she was a student-athlete on the Varsity Softball team, and an M.B.A. from the University of Chicago Booth School of Business specializing in finance, economics, and econometrics/statistics. Kathleen has been published in *The University of Baltimore Law Review*, co-authored *Law and Economics in Jane Austen* (Lexington Books, 2020), and lectured in undergraduate and law school courses in economics and valuation subject matter. Additionally, Kathleen serves on the Board of Directors for the Franciscan Outreach – Chicago’s second largest homeless shelter.

## EDUCATION

M.B.A., Specializations in Finance, Economics, Econometrics/Statistics  
THE UNIVERSITY OF CHICAGO, Chicago, Illinois, March 2019

B.A., Economics  
THE UNIVERSITY OF CHICAGO, Chicago, Illinois, 2016

## CURRENT POSITION

EPSILON ECONOMICS, Chicago, Illinois, June 2021-Present  
Director

## PREVIOUS PROFESSIONAL EXPERIENCE

EPSILON ECONOMICS, Chicago, Illinois, June 2020-May 2021  
Senior Associate

EPSILON ECONOMICS, Chicago, Illinois, January 2019-May 2020  
Associate

EPSILON ECONOMICS, Chicago, Illinois, January 2018-December 2018  
Senior Analyst

EPSILON ECONOMICS, Chicago, Illinois, June 2016-December 2017  
Analyst

MINNESOTA VIKINGS, Mankato, Minnesota, June-August 2014  
Marketing Intern

DIAKON BASEBALL GROUP, Virginia Beach, Virginia, 2011-2014  
Statistical Analyst

## TEACHING EXPERIENCE

Instructor, *Commercializing Products with Molecular Engineering*, The University of Chicago, Pritzker School of Molecular Engineering, March-June 2022

Guest Lecturer, *Human Capital*, Regent University School of Law, April 7, 2021

Guest Lecturer, *Commercializing Products with Molecular Engineering*, The University of Chicago, Pritzker School of Molecular Engineering, January-March 2021

## **PUBLICATIONS**

Kathleen Akers, "Marriage Rates & the Future of the Family," *Family Restoration* (blog), May 28, 2020, <https://regentfamilyrestoration.blogspot.com/2020/05/marriage-rates-future-of-family.html>

Kathleen Akers and Lynne Marie Kohm, *Law and Economics in Jane Austen*, (Lexington Books, January 2020)

Kathleen Akers and Lynne Marie Kohm, "Solving Millennial Marriage Evolution," *University of Baltimore Law Review*, Volume 48, No. 1, November 29, 2018, <https://ssrn.com/abstract=3293263>

## **SPEAKING ENGAGEMENTS**

Kathleen Akers, *Economic Equity, Social Equality, and the Foundational Family (Working Paper)*, Midwest Political Science Association Annual Conference, Subfield: Political Institutions, April 2021

Kathleen Akers, *Economic Equity, Social Equality, and the Foundational Family (Working Paper)*, Midwest Political Science Association Annual Conference, Lightning Talk Subfield: Institutions and Policy Outcomes, April 2020 (cancelled due to COVID-19)

Regent University Library Book Presentation, *Law and Economics in Jane Austen*, February 24, 2020

## **PROFESSIONAL AFFILIATIONS**

Franciscan Outreach, Board of Directors,  
*Program Committee, Co-Chair*

Athletes in Action, New England Advisory Board

Missouri Athletic Club

## **HONORS & AWARDS**

THE UNIVERSITY OF CHICAGO BOOTH SCHOOL OF BUSINESS Academic Dean's List, 2017-2018

THE UNIVERSITY OF CHICAGO Academic Dean's List, 2012-2016

UNIVERSITY ATHLETIC ASSOCIATION First-Team All-UAA, 2016

COLLEGE SPORTS INFORMATION DIRECTORS OF AMERICA Academic All- District, 2016

NATIONAL FASTPITCH COACHES ASSOCIATION Academic All-American, 2014

## REPRESENTATIVE EXPERIENCE

### *International Trade Commission Section 337 Investigations*

- Evaluated company investments under the Economic Prong of the domestic industry requirement for Section 337 Investigations on behalf of both complainants and respondents. This has included performing complex calculations of investments in plant and equipment, the employment of labor or capital, and exploitation of the asserted patent(s) through engineering, research, and development, as well as determining the significance and substantiality of such investments.
- Analyzed injury and the threat of substantial injury to an industry in the United States by evaluating displacement of customers by the allegedly infringing imports (lost sales), increasing importation, declining production, declining profits and prices, reduced productivity, foreign production capacity, significant market penetration, foreign cost advantages, and other factors.
- Conducted evaluations of whether a respondent's inventory levels are commercially significant to determine if cease and desist orders are economically reasonable in the event a violation of Section 337 is found.
- Performed price comparisons, royalty rate evaluations, and evaluated other economic factors impacting the appropriate bond amount in the event a violation of Section 337 is found.
- Assessed the impact of any remedy (exclusion orders and cease and desist orders) on the public interest including the impact that such remedy would have on the public health and welfare, competitive conditions in the U.S. economy, U.S. production of articles that are competitive to those subject to investigation, and U.S. consumers.
- Evaluated the commercial success of asserted domestic industry products as a secondary consideration of nonobviousness, considering a number of factors including sales and market share, product differentiation, advertising and promotion, and price.
- Examined violations of a cease and desist order by a respondent in an enforcement proceeding, as well as the appropriate civil penalty for those violations.
- Assisted clients before and after submitting economic expert reports, including involvement with document production, making strategic presentations to clients, preparation of witness statements and trial demonstratives, as well as deposition and trial preparation.
- Selected industries of casework: semiconductor manufacturing, lithium-ion battery production, various medical devices, outdoor grills, automobiles, automobile parts, consumer aerial drones, robotic vacuum cleaners, power tools, magnetic tape storage drives.

### *Intellectual Property Disputes*

- Conducted patent damage studies involving lost profit, reasonable royalty, incremental profit, *Georgia-Pacific* factors, *Panduit* factors, and prejudgment interest for both plaintiffs and defendants.
- Conducted trademark and damage studies involving defendant revenues and profits and reasonable royalty determinations for both plaintiffs and defendants.
- Analyzed issues and developed damage strategies and opinions, critiqued and rebutted opposing expert reports, calculated damages, and prepared theories, demonstratives, and testimony for trials.
- Determined damages due to a specialty chemical manufacturer for its proprietary automobile vapor emissions system, and also evaluated the likelihood of irreparable harm against plaintiff including potential future lost profits, lost market share, price erosion, and diminished brand reputation and customer goodwill.
- Determined damages from trademark infringement in the apparel industry, hospitality industry, and floral industry, using a reasonable royalty approach, analyzing hundreds of license agreements.
- Determined damages due to a manufacturer of aftermarket automobile accessories considering a reasonable royalty based on comparable license agreements, incremental profit of infringing unit sales, and design around alternatives.
- Determined damages from consumer electronics manufacturer allegedly infringing audio playback-related standard essential patents and analyzed appropriate F/RAND licensing royalty rates.

### *Other Disputes and Consulting Engagements*

- Performed valuation of potential licensing opportunities of a patent portfolio in the outdoor grill market to assist chief executives in decision making and litigation strategies.
- Evaluated lost profit damages resulting from alleged trade secret violations and false advertising claims against a medical device manufacturer and distributor in the U.S.
- Determined damages from alleged breach of contract between upstream mobile phone component manufacturers and finishers in arbitration, analyzing lost profits and price erosion as a result of the alleged bad acts.
- Provided analysis of asserted secondary considerations of nonobviousness, including the commercial success of LED products submitted before the U.S. Patent Trial and Appeal Board, considering a number of factors including consumer demand, product differentiation, and other industry drivers.
- Determined damages from alleged breach of contract over precision agriculture software, utilizing discounted cash flow forecast models, and adjusting models to appropriately reflect but-for scenarios.
- Determined damages from alleged breach of contract and unjust enrichment claims in the medical device industry.