Biography

Keith Mallinson is founder of WiseHarbor, providing expert commercial consultancy since 2006 to technology and services businesses as well as investors, law firms and multilateral organizations such as the 3rd Generation Partnership Project (3GPP) and the GSM Association (GSMA) in Information and Communications Technologies (ICT) including wired and wireless telecommunications, Artificial Intelligence (AI) and software applications serving consumer and professional markets. He is a regular columnist in the trade press including RCR Wireless and with IP Finance -- "where money issues meet intellectual property rights".

Mallinson led Yankee Group's global Wireless/Mobile research and consulting team as Executive Vice President, based in Boston, from 2000 to 2006. His responsibilities also included consumer media and enterprise communications. Until then, he had overall responsibility for the firm's European division, based in London, as Managing Director from 1995 until 2000. He was the European Research Director prior to 1995.

Mallinson has 30 years' experience in the telecommunications industry, as research analyst, commercial consultant and as a testifying expert witness. Complementing his industry focus, he has a broad skill set including technologies, market analysis, regulation, economics and finance. He has published numerous reports, academic papers and speaks publicly at industry conferences on a wide variety of topics including 5G technology and standards development, fixed mobile convergence, semiconductor technologies, the Internet of Things, standard-essential patents and licensing.

Mallinson has an undergraduate electronic engineering degree from Imperial College London and an MBA from the London Business School, including an academic exchange with Northwestern University's Kellogg Graduate School of Management in Illinois.

Keith Mallinson became in 2024 a *Practitioner in Residence at George Mason University's Center for Intellectual Property x Innovation* (subsequently The IP Policy Institute (IPPI), The University of Akron School of Law). He received Acquisition International's Award for Best Mobile Communications Expert Witness 2024.

Expert Testimony

Mallinson's engagements as a testifying expert witness include:

MULTIPHONE LATIN AMERICA INC. v. MILLICOM INTERNATIONAL CELLULAR S.A.
CASE NO. 25-23249-CIV-ALTONAGA/Rei, UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA
Retained by: Rivero Mestre LLP on behalf of Defendant
Case: Alleged contract breaches in marketing support for a supplier, fraudulent concealment of competing activities and consumer harm in the smartphone application marketplace for international prepaid top-ups from US to cellular subscribers in Central American nations.
Engagement: Market, competition, technology development, trade secret and business model analysis together with damages assessments in rebuttal expert reports submitted in March and May 2026. The parties subsequently agreed to settle.

PLINTRON TECHNOLOGIES USA LLC v. JOSEPH PHILLIPS, RICHARD PELLY, THOMAS MATHEW, GREG MCKERVEY, and DESIREE MICHELLE GRAY
Case No. 2:24-cv-00093-MJP, U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE
Retained by: Davis Wright Tremaine LLP on behalf of defendants and counterclaim plaintiffs.

Case: Various alleged fraud and contract violation claims and counterclaims in the Mobile Virtual Network Aggregator (MVNA), Mobile Virtual Network Enabler (MVNE) and Mobile Virtual Network Operator (MVNO) businesses.
Engagement: Technical and commercial analysis and opinion on industry structure, practices, competition and costs in four expert reports submitted in May, June, October and November 2025.

Between LENOVO GROUP LIMITED ET AL (Claimants) and TELEFONAKTIEBOLAGET LM ERICSSON, ERICSSON LIMITED (Defendants). IN THE HIGH COURT OF JUSTICE BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES INTELLECTUAL PROPERTY LIST (ChD) PATENTS COURT. Case No: HP-2023-000036
Retained by: Taylor Wessing LLP and Pinsent Masons LLP on behalf of Defendants.
Case: Dispute about Fair, Reasonable and Non-Discriminatory (FRAND)-based patent licensing in 5G mobile devices.
Engagement: Provided expert analysis and opinion on determination of FRAND licensing charges for Standard-Essential Patents (SEPs). I submitted an expert report in January 2025 and an expert rebuttal report in March 2025. The parties subsequently agreed to settle including some terms in arbitration.

Aircomm of Avon, L.L.C., ET AL v. DISH Wireless L.L.C., v. Crown Castle USA Inc.
Case No. 2022CV32353, U.S. DISTRICT COURT, CITY AND COUNTY OF DENVER, STATE OF COLORADO
Retained by: Wheeler Trigg O'Donnell LLP on behalf of the defendants
Case: A tower lease contract dispute including counterclaims between tower collocation operator Crown Castle and new-entrant 5G mobile network operator DISH Wireless.
Engagement: Provided overview of the US cellular ecosystem including technologies, market developments and competition among different types of suppliers, compared tower collocation master lease agreement terms and made damages assessments. Submitted expert report in November 2023, deposed in January 2024 and testified in April 2024 jury trial. DISH prevailed against Crown Castle's demand for disputed additional rent.

JERMAINE THOMAS, ET AL., v. CRICKET WIRELESS, LLC.
Case No. 3:19-cv-07270-WHA, U.S. DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION
Retained by: Wagstaff & Cartmell LLP on behalf of the plaintiffs.
Case: Class action on alleged deceptive marketing and fraudulent pricing scheme in 4G/LTE smartphones and wireless carrier services. Class certified by the Court in in August 2021.
Engagement: Submitted expert reports including Class Certification Report in March 2021, Merits Report in July 2021 and Rebuttal Report in July 2021. Deposed March and August 2021.

STATE OF NEW YORK, et al., v. DEUTSCHE TELEKOM AG, et al.,
Case 1:19-cv-5434-VM-RWL
Retained by: New York State Office of the Attorney General on behalf of the plaintiffs —18 States.
Case: Proposed blocking of merger between T-Mobile US, Inc. and Sprint Corporation.
Engagement: Submitted expert report on technical and commercial issues including spectrum supply in September 2019, reply report in November 2019 and with deposition in November 2019.

SAMSUNG ELECTRONICS AMERICA, INC., v. YANG KUNG "MICHAEL" CHUNG, THOMAS PORCARELLO, YOON-CHUL "ALEX" JANG, JIN-YOUNG SONG, ALL PRO DISTRIBUTING, INC. Civil Action No. 3:15-CV-04108-L, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION
Retained by: Bell Nunnally & Martin LLP on behalf of the plaintiff.
Case: Various illegal actions alleged concerning repair parts and mobile phones.

Engagement: Submitted financial damages expert report in October 2018 with deposition in December 2018. Case settled immediately before trial in 2023.

TCL COMMUNICATION TECHNOLOGY HOLDINGS, LTD, *ET AL. v* TELEFONAKTIEBOLAGET LM ERICSSON, *ET AL.*
Case No. SACV14-00341 JVS (DFMx) Consolidated with CV15-02370 JVS, DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION
Retained by: McKool Smith, P.C. on behalf of the defendant.
Case: Dispute about FRAND-based patent licensing in mobile phones.
Engagement: Submitted expert reports in April and June 2016 on various issues including patent essentiality determination, applicable royalty-rate benchmarks and other methods for valuing patent portfolios including SEPs in mobile, wireless and video technologies. Deposition was followed by trial testimony in March 2017.

TIVO INC., v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., and SAMSUNG TELECOMMUNICATIONS AMERICA, LLC., UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION
Retained by: Irell & Manella LLP on behalf of the plaintiff
Case: TiVo sought financial remedy for Samsung's alleged use of TiVo's patented video inventions without license or authority from TiVo.
Engagement: Market value analysis on use of TiVo's patented intellectual property in various Samsung products. Case settled in 2016 — prior to submission of any expert report.

***In Re TFT-LCD (Flat Panel) Antitrust Litigation*,** No. 3:07-md-01827 (N.D. Cal)
Retained by: Defense counsel on behalf of many codefendants.
Case: Antitrust actions alleging price fixing among sellers of thin film transistor liquid crystal display products.
Engagement: Submitted expert reports on technological and commercial aspects of mobile communications products and services, and LCD and semiconductor manufacturing in February 2012, July 2012, October 2013 and May 2014. Deposed in 2012, January 2014 and July 2014.

American Tower Asset Sub, LLC et al. v Buffalo-Lake Erie Wireless Systems Co., LLC Supreme Court of the State of New York County of Eire
Retained by: Counsel on behalf of plaintiff.
Case: Damages sought in contractual disputes.
Engagement: Testifying expert witness opinion on commercial issues, asset valuations and damages relating to cellular operations and towers. Case settled in 2013.

GWT, LLC v. Allison, Angier & Bartmon, LLP, et al. Berkshire Superior Court C.A No 09-182
Retained by: Defense counsel on behalf of defendants.
Case: Alleged malpractice in bankruptcy proceedings.
Engagement: Testifying expert witness opinion on commercial issues and asset valuations relating to cellular towers. Case settled in October 2013.

UNITED STATES OF AMERICA, et al., v. AT&T INC., T-MOBILE USA, INC., AND DEUTSCHE TELEKOM AG,
Case 1:11-cv-01560-ESH, UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
Retained by: Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. on behalf of Defendants.
Case: Proposed blocking of merger between AT&T, Inc. and T-Mobile USA, Inc.
Engagement: Market analysis. Proposed merger was aborted in 2011— before completion and submission of any expert report.

In re Eastern Towers Inc., No. 1:10-cv-10207-FDS (D. Mass.).
Retained by: Mintz Levin Cohn Ferris Glovsky and Popeo P.C. on behalf of plaintiffs Joseph G. Butler as Chapter 7 Trustee and John Strachan.
Case: Suit for breaches of fiduciary duty.
Engagement: Determine fair market value for a portfolio of towers and opine on the fairness or otherwise of a commercial agreement. Submitted expert opinion report in 2008 and deposed in 2009. Updated valuation report submitted September 2011. Trial testimony in April 2012.

United Mobile Technologies, LLC et al v. Pegaso PCS, S.A. DE C.V. et al, 1:05-cv-10528-LAP (S.D.N.Y.).
Retained by: Kubli and Associates, on behalf of plaintiff United Mobile Technologies.
Case: Disputed termination of supply by defendant for intellectual property licensing including software licensing and system integration in cellular text and multimedia messaging.
Engagement: *Quantum meruit* damages assessment with expert and rebuttal reports, deposition and trial testimony in September 2010.

Global Signal Acquisitions II, LLC v. Unison Site Management Corp., No. 08-L-335 (Circuit Court, Kane County, Illinois).
Retained by: McCullough, Campbell & Lane LLP on behalf of defendant Unison Site Management.
Case: Defendant client is subject to an adverse cellular tower contract breach claim judgment.
Engagement: Review plaintiffs' damages assessment. Submitted expert report in July 2010, deposed in October 2010 and case settled in November 2010.

OpenMotion LLC v. Yellow Book USA**,** No. A0602350 (Ct. of Common Pleas, Hamilton, Ohio).
Retained by: Taft, Stettinius & Hollister LLP, on behalf of plaintiff OpenMotion
Case: Breach of contract relating to mobile search and advertising.
Engagement: Damages assessment with expert report submitted in 2006.

Wireless Consumers v. AT&T Cellular et al**,** 1:02-cv-02637-DLC (S.D.N.Y.).
Retained by: Kellogg, Huber, Hansen, Todd, Evans & Figel, P.L.L.C. (for Verizon Wireless); Friedman Kaplan Seiler & Adelman LLP (for AT&T Wireless); Sidley Austin Brown & Wood LLP (for T-Mobile); Hunton & Williams (for Cingular); Anderson Kill & Olick, PC (for Sprint PCS).
Case: Wireless telephone services antitrust litigation on alleged tying of cellular and PCS handset sales with service contracts. Defendants' motion for summary judgment granted, August 2005.
Engagement: Analysis on relevant markets with expert report, rebuttal report and deposition.

Omnipoint Communications Inc. v. the Country Club of New Canaan, Inc.**,** Civ. No. 3:03CV00900(AWT) (D. Conn.).
Retained by: LeBoeuf, Lamb, Greene & MacRae, LLP on behalf of plaintiff Omnipoint (T-Mobile).
Case: Cellular tower breach of contract.
Engagement: Damages assessment with expert report submitted.

Omnipoint Communications Inc. v. the City of White Plains**,** No. 01 Civ. 3285 (S.D.N.Y.).
Retained by: Greenberg Traurig, LLP on behalf of plaintiff Omnipoint (T-Mobile).
Case: Permit for cellular tower. Judgment in 2004.
Engagement: Damages assessment, expert report and trial testimony.

Peltz v. Hatten**,** 279 B.R. 710 (D. Del. 2002).
Retained by: Williams & Connolly on behalf of defendant Mark Hatten.
Case: Bankruptcy liquidation.
Engagement: Market assessment and company valuation. Expert report, rebuttal report, deposition and trial testimony.

Cases not made public

Mallinson testified as an expert witness in smartphone SEP-licensing agreement disputes in international arbitration in 2013 and in 2022.

Non-testifying work

In addition, Mallinson also provides ongoing expert services on a non-testifying expert basis to some of the world's largest wireless cellular service and technology companies. Work includes competitive analysis on mobile technologies and services markets in support of several patent infringement, licensing and antitrust disputes worldwide. He works directly with these companies, including at the General Counsel level, with outside counsel including several other major law firms, and with other advisors including economists, accountants and technical specialists.

Mallinson served as a non-testifying expert in two other SEP FRAND licensing dispute cases in the UK, in 2021 and 2022, respectively.

Other considerations

Mallinson has never been discredited or impeached and his expert methodologies have never been rejected by any court.

References are available upon request.