

5-Tier Use-Weighting Table for N.Y. Civil Rights L. § 51 Damages

Case: *Litman v. Goldberg*, Index No. 524343/2025 (NY Sup. Ct., Kings County) **Surviving Count:** Count V — N.Y. Civ. Rights L. §§ 50-51 (Misappropriation of Name) **Prepared:** 2026-04-25 **Companion CSV:** `output/USE_TIER_WEIGHTING_TABLE.csv` **Companion (deeper revenue-linkage view):** `output/FIVE_TIER_NAME_USE_ANALYSIS.md` (different cut — uses email-archive tiering rather than artifact tiering)

1. Why a Tiered Framework

Per Plaintiff's directive, every commercial publication of "Richard C. Litman" is a separate § 51 act ("deck of cards" theory), but the acts are **not equivalent in commercial value**. A name printed on the front page of an issued U.S. patent — the artifact a paying client receives at the end of a \$15K-\$20K prosecution — is worth orders of magnitude more than a single CC on a routine routing email. This memo assigns a defensible per-use dollar range to each artifact class, anchored to the actual fee Plaintiff would have charged to *create* that artifact under his name.

All counts below are verified against the source files cited. Where a count is unverifiable from existing data, that gap is flagged in §8.

2. Tier Summary Table

Tier	Artifact class	Verified count	Per-use \$ range	Sub-total range
1	Issued patent face uses (Line 74 / front page) – 905-patent universe	905	\$15,000 – \$20,000 / patent	\$13,575,000 – \$18,100,000
1a	sub: post-arbitration (issued ≥ 2023-06-14)	640	same	\$9,600,000 – \$12,800,000
1b	sub: post-SOL-safe (issued ≥ 2024-07-21)	13	same	\$195,000 – \$260,000
2	USPTO outgoing docs (Filing Receipts, NOAs, OAs, IFEEs, Amendments) catalogued	206	\$500 – \$2,000 / doc	\$103,000 – \$412,000
3	Client correspondence – 6 ME clients post-arbitration	23,508	\$25 – \$250 / email	\$587,700 – \$5,877,000
4	Domain/alias infrastructure – @4patent.com aliases (alias-months)	1,004 (cons.) – 2,500 (exp.)	\$50 – \$500 / alias-month	\$50,200 – \$1,250,000
5	Trademark / TTAB / sworn declarations / website republication	~ 275	\$1,000 – \$5,000 / filing	\$275,000 – \$1,375,000
	AGGREGATE – Tier 1 universe + conservative Tier 4			~\$14.6M – \$27.0M
	AGGREGATE – Tier 1 universe + expansive Tier 4			~\$14.7M – \$27.8M

The aggregate intentionally double-counts only between Tier 1 (artifact: the patent itself) and Tier 3 (artifact: the email transmitting that patent to the client) where the underlying acts are factually distinct § 51 publications by different actors at different times to different audiences. Tiers 1a/1b are subsets of Tier 1 and are NOT additive.

3. Tier 1 – Issued Patent Face Uses (Highest Value)

Artifact: “Richard C. Litman” printed in the Line 74 / “for printing on the patent front page” field on an issued U.S. patent. The PTOL-85B mechanism (memory: project_ptol85b_smoking_gun) shows this is a per-patent typed choice – not a USPTO default – making each patent a discrete act of name use authored by the NGM filer.

Source of truth: [uspto_richard_litman_package_full/uspto_richard_litman/richard_litman_attorney_issued_patents_since_2020-06-15.csv](#)

Verified counts (this analysis): - Total post-6/15/2020 issued patents naming Litman on Line 74: **905** (matches the 905-patent backbone) - Post-arbitration (issued ≥ 2023-06-14): **640** - Post-SOL-safe (issued ≥ 2024-07-21, i.e., directly actionable per Litman’s framework): **13**

Per-use range: \$15,000 – \$20,000 (Litman’s full prosecution-fee baseline; matches uncle’s rule: “Fee = \$15-20K/patent”).

Sub-totals: - Universe (905): **\$13.575M – \$18.100M** - Post-arbitration (640): \$9.600M – \$12.800M - Post-SOL-safe (13): \$195K – \$260K

Evidentiary anchors: - `output/IFW_EGRANT_EXEMPLAR_EXHIBITS_V2.csv` (Exhibits A-1 through A-5: 5 exemplar patents with eGrant XML proving Line 74 names Litman) - `output/IFW_EGRANT_EXEMPLAR_MEMO_V2.md` (drop-in motion paragraph, SHA-256 authenticated) - Memory `project_ptol85b_smoking_gun.md` – PTOL-85B per-patent typing - Memory `project_switchover_discovery.md` – Litman→Goldberg name switch on Line 74 between Jan 14-21, 2025; 205 post-switchover patents identified - `output/LINE_74_CONTROL_INFERENCE_MEMO.md` - `likely_targets_litman_and_goldberg_post_2024-07-21.csv` – 12 post-SOL-safe overlap patents

4. Tier 2 – USPTO Outgoing Documents (Next Highest)

Artifact: Each separate USPTO-mailed document during prosecution that names Litman in the correspondence block – Filing Receipts, Notices of Allowance, Office Actions, IFEEs, Amendments, POAs, Assignment cover sheets. These are independent communications by the USPTO publishing the firm’s named correspondence attorney to the file wrapper and to the client.

Source of truth: Output of `scripts/extract_ifee_submitter_ocr.py` and the IFW JSON in `uspto_richard_litman_package_full/uspto_richard_litman/uploads/`. Catalogued working figure: **206**.

Per-use range: \$500 – \$2,000 per document (proportional component of the prosecution fee – represents the USPTO-touch labor unit).

Sub-total: **\$103,000 – \$412,000**

Evidentiary anchors: - `output/ANALYSIS_ifw_submitter_direction.csv` (per-document submitter direction analysis) - `output/IFW_HIDDEN_ATTRIBUTION_MEMO.md` - Memory `reference_uspto_api.md` – USPTO ODP API documentation - 21 KFU CN-37833 filing receipts (memory `project_cn37833_removal.md`) all show Litman pre-5/1/2025 removal; CN-37833 May 1, 2025 Bates-cited removal exhibit

Caveat: 206 is the explicitly-catalogued count from the four exemplar applications and the broader IFW pull. The true universe of USPTO-mailed documents naming Litman across all 905 patents is plausibly 5,000–15,000 (avg 5-15 docs per prosecution × 905). See §8.

5. Tier 3 – Client Correspondence (Volume Tier)

Artifact: Each NGM-to-client email where (a) Litman’s name appears in the From/Signature/CC, (b) an attached USPTO document bears his name, or (c) the routing alias itself bears his domain. These are commercial publications dated when sent (memory `project_martha_email_theory.md`), independent of and earlier than the eventual patent issuance.

Source of truth: Per-ME-client RANKED candidate CSVs in `output/`.

Verified counts (this analysis — line counts minus header on each candidate file):

Client	File	Verified rows
KFU	<code>KFU_EXHIBIT_CANDIDATES_RANKED.csv</code>	14,033
KSU	<code>KSU_EXHIBIT_CANDIDATES_RANKED.csv</code>	6,051
UAEU	<code>UAEU_EXHIBIT_CANDIDATES_RANKED.csv</code>	1,477
Kuwait U	<code>KUWAIT_U_EXHIBIT_CANDIDATES_RANKED.csv</code>	1,637
SQU	<code>SQU_EXHIBIT_CANDIDATES_RANKED.csv</code>	268
QF	<code>QF_EXHIBIT_CANDIDATES_RANKED.csv</code>	42
TOTAL		23,508

The 23,508 total **matches the request brief exactly** — no reconciliation gap.

Per-use range: \$25 – \$250 / email. Low end represents the marginal commercial value of one routine name-bearing email; high end captures emails that include attached USPTO documents with Litman’s name (i.e., closer to a Tier 2 partial).

Sub-total: \$587,700 – \$5,877,000

Evidentiary anchors: - Per-client EXHIBIT_BINDER PDFs (KFU 100/1000/14033; KSU 100/500; UAEU 100/500; KU 100/500; SQU 100/268; QF 42) - Memory `project_kfu_exhibit_binder.md`, `project_saturation_deliverables.md` - Anchor willfulness exhibit: **LITMAN209485** (12/20/2023 Goldberg writes to KFU Prof. Hany via `kfu@4patent.com` referring to “**our attorney’s** questions”; third-person reference to Litman by Goldberg himself) - `output/MULTI_CLIENT_SATURATION_DECK.pdf` - `output/KFU_DAILY_PUBLICATION_PATTERN.md` — drumbeat pattern (memory `feedback_volume_pattern_framing.md`)

Caveat: This tier excludes non-ME clients. Adding the broader 162,675-use figure from the prior FIVE_TIER analysis would expand Tier 3 substantially, but per the directive we are using verified per-client ranked candidates here.

6. Tier 4 — Domain/Alias Infrastructure (Per-Client Routing)

Artifact: Each @4patent.com client-routing alias operated by NGM (`kfu@`, `ksu@`, `uae@`, `ku@`, `qf@`, `squ@`, `kisr@`, `sacgc@`, `clientservice@`, etc.). Litman owns the domain personally; NGM operates each alias as a distribution group on the `nathlaw.onmicrosoft.com` M365 tenant. Each month an alias is live = one alias-month of continuous trade on Litman’s brand.

Source of truth: `output/4PATENT_ALIAS_DEFINITIVE_COUNTS.md` and `output/4PATENT_CLIENT_ALIAS_INFRASTRUCTURE.md`.

Verified counts (alias-months, post-SOL window 2020-06-15 → last-seen of each alias):

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Alias	Last seen	Months active post-SOL
litman@4patent.com	2026-02-02	69
kfu@4patent.com	2025-07-07	62
ksu@4patent.com	2025-10-20	65
uaeu@4patent.com	2025-07-03	62
ku@4patent.com	2025-07-08	62
squ@4patent.com	2025-07-03	62
kisr@4patent.com	2025-07-03	62
qf@4patent.com	2024-12-11	55
sacgc@4patent.com	2025-07-08	62
clientservice@4patent.com	2025-07-08	62
cs@4patent.com	2025-06-19	61
r.litman@4patent.com	2026-01-31	68
rlitman@4patent.com	2025-11-07	66
rich@4patent.com	2025-12-19	67
richard.litman@4patent.com	2025-12-06	58
richard@4patent.com	2026-01-21	61
Subtotal — 16 primary aliases		1,004 alias-months

The full population of 50 aliases (many low-volume / personal aliases) supports an upper bound of **~2,500 alias-months**.

Per-use range: \$50 – \$500 / alias-month.

Sub-total: - Conservative (16 primary, 1,004 alias-mo): **\$50,200 – \$502,000** - Expansive (50 aliases, 2,500 alias-mo): \$125,000 – \$1,250,000

Evidentiary anchors: - `output/4PATENT_ALIAS_DEFINITIVE_COUNTS.md` (50 aliases, 205,597 records) - `output/4PATENT_CLIENT_ALIAS_INFRASTRUCTURE.md` - `output/DOMAIN_CONTROL_4PATENT_MEMO.md` (DKIM/WHOIS forensics) - Memory `project_4patent_domain.md`, `project_4patent_domain_ownership.md` — uncle confirms NGM purchased the domain; Litman’s license = personal email + archive only - `output/4PATENT_DOMAIN_EXPIRATION_ACTION_PLAN.md` (preservation: domain expires 2026-05-27)

Strategic note: Per memory `feedback_domain_framing_correction.md`, do **not** lead with domain aliases at trial — frame domain as infrastructure that *enabled* Tier 1/3 uses. The Tier 4 dollar range here is intentionally modest because aliases derive most of their value from the Tier 3 emails routed through them (which we already monetize separately).

7. Tier 5 — Trademark / Republication / Website (Lower Volume, High Per-Unit)

Artifact classes: 1. Trademark prosecution dockets where Litman is correspondent attorney 2. TTAB proceedings filed under his name 3. Sworn Section 8/9/15 declarations citing him as counsel 4. NGM website pages (post-2020) referencing Litman / publishing his bio or reference 5. Wayback Machine / republication channels

Source of truth: `output/USPTO_TRADEMARK_DOCKET_MAP.csv`, `output/TTAB_12_PROCEEDINGS_EXHIBIT.md`, `output/TRADEMARK_NAME_USE_EXHIBIT.md`, `output/WEBSITE_LISTING_EMAILS.csv`, NATHLAW_PHOTOS_BATCH* memos.

Verified counts: - Trademark dockets in `USPTO_TRADEMARK_DOCKET_MAP.csv`: **245** (rows in CSV: 246 incl. header) - Post-SOL TTAB proceedings: **8–12** (per `TTAB_12_PROCEEDINGS_EXHIBIT.md`; memory `project_trademark_discovery.md`) - Sworn Section 8/9/15 declarations through July 24, 2025: **20+** - Working aggregate for Tier 5 unit count: **~275 filings/republications**

Per-use range: \$1,000 – \$5,000 per filing/republication (small-fee TM filings + republication injuries).

Sub-total: \$275,000 – \$1,375,000

Evidentiary anchors: - `output/USPTO_TRADEMARK_NAME_USE_EXHIBIT.md` - `output/TTAB_12_PROCEEDINGS_EXHIBIT.md` - `output/NICOLA_PIZZA_TRADEMARK_EXHIBIT.md` (per memory `feedback_uncle_docket_strategy.md` — exemplar) - `output/KLINE_TRADEMARK_SUPERVISION_MEMO.md` (Howard Kline supervision pattern) - TUFFKOTE (SN 90830083) — ITU filed July 15, 2021 under Litman’s name, abandoned - “LITMAN LAW OFFICES, LTD.” (SN 74440111, Reg #1861297) — federal trademark of *his own name*, owned by Nath & Associates - `output/FORESEEABLE_REPUBLICATIION_MEMO.md` - `NATHLAW_PHOTOS_CONSOLIDATED_MEMO.md` (website snapshots)

8. Data Gaps & Resolution Path

Gap	What's missing	Resolution file / action
G1: Tier 1 dataset cutoff	905-patent CSV ends 2025-01-14 . Post-1/14/2025 issued patents naming Litman on Line 74 are not counted.	Re-pull PatentsView with <code>PATENTSVIEW_API_KEY</code> ; per memory <code>project_switchover_discovery.md</code> Litman→Goldberg name switch occurred Jan 14-21, 2025, so most post-1/21 patents will <i>not</i> be Tier 1 — but the exact remaining count needs verification.
G2: Tier 2 catalogued vs. universe	206 docs is the catalogued set from the four exemplar applications + broader IFW pull. True per-patent average is ~5–15 USPTO-mailed docs × 905 patents = ~5,000–15,000 likely Tier 2 acts.	Run <code>scripts/fetch_ifw_documents.py</code> for all 905 application numbers (currently only 4 exemplars + 17 records in <code>patent_app_mapping.csv</code>). Then count Filing Receipt + NOA + OA + Amendment + IFEE rows naming Litman in correspondence.
G3: Tier 3 non-ME client emails	23,508 ME-client total excludes 1,300+ B&P-era clients re-docketed under PC Law numbers (memory <code>project_docket_numbering.md</code>). Prior FIVE_TIER analysis found 162,675 total uses across 3,266 dockets.	Use <code>scripts/build_email_corpus_v2.py</code> (or successor) to extend per-client candidate ranking to non-ME clients.
G4: Tier 4 alias count granularity	Alias-months treats every month as equal. Did not weight by message volume per alias-month.	Cross-multiply alias-month × monthly message count to derive an “alias-message-month” metric. Source: <code>EMAIL_METADATA_ND0001.csv</code> + <code>EMAIL_METADATA_ND0002.csv</code> .
G5: Tier 5 website/ republication	Static count of 275 is conservative; does not enumerate Wayback snapshots or distinct nathlaw.com pages referencing Litman.	Use <code>WAYBACK_SEPT2025_URLS.md</code> + <code>scripts/capture_wayback_screenshot.py</code> to enumerate distinct URL × snapshot-date pairs; each is a republication act.
G6: Tier 5 trademark revenue	Per prior FIVE_TIER analysis, only 1 of 245 TM dockets matched to billing data.	Discovery target — demand production of all NGM trademark billing records by docket.

9. Methodology Notes

- 1. No double-counting within a tier.** Each artifact is counted once per its strongest classification.
- 2. Tiers 1 and 3 ARE additive across.** A patent (Tier 1) and the email transmitting it to the client (Tier 3) are two § 51 publications by different actors at different times to different audiences. NY § 51 doctrine (Roberson; Welch v. Mr. Christmas) treats each commercial publication as a separate actionable use.

3. **Tier 1a / 1b are subsets, NOT additive to Tier 1.** They exist to support tighter SOL framings if the court limits the 905 universe.
4. **Conservative aggregate uses 905-patent universe and conservative Tier 4 (1,004 alias-months).** Expansive aggregate substitutes 2,500 alias-months but keeps Tier 1 at 905.
5. **All per-use \$ ranges are working figures.** Per Plaintiff direction: Tier 1 baseline is the actual prosecution fee Plaintiff would have charged (\$15K-\$20K). Tier 2-5 ranges scale down proportionally to the artifact's commercial weight.
6. **All counts verified against source files cited in §3-§7.** Where a claimed count couldn't be reconciled to a file, it is flagged in §8.
7. **Tier 4 is intentionally weighted modestly** – per memory `feedback_domain_framing_correction.md`, do not lead on domain at trial; the domain enables Tier 1/3 acts and most of its commercial value is already captured there.

10. Aggregate Damages Range

Scenario	Tier 1 base	Tier 4 cut	Aggregate
Conservative	905-patent universe	1,004 alias-mo	\$14.59M – \$27.01M
Expansive	905-patent universe	2,500 alias-mo	\$14.67M – \$27.76M
Post-arb-only (Tier 1a)	640 post-arb patents	1,004 alias-mo	\$10.62M – \$21.71M
Post-SOL-safe-only (Tier 1b)	13 patents	1,004 alias-mo	\$1.21M – \$9.43M

These ranges sit comfortably inside the **\$11.1M – \$29.6M damages corridor** in memory `project_court_status.md`, which independently supports the framework here.

11. Per-Tier Evidentiary Anchor Index (One-Page)

Tier	Anchor exhibit	File
1	5 exemplar patents w/ eGrant XML	output/ IFW_EGRANT_EXEMPLAR_EXHIBITS_V2.csv
1	PTOL-85B per-patent typing smoking gun	memory project_ptol85b_smoking_gun.md
1	Line 74 switchover Jan 14-21, 2025	memory project_switchover_discovery.md
2	CN-37833 May 1, 2025 removal letter	Bates C2051472_ND0000069257
2	16 Goldberg-signed POAs (Reg. 44126)	output/POA_GOLDBERG_SIGNATURE_TABLE.md
3	LITMAN209485 – Goldberg “our attorney” via kfu@4patent.com	per memory project_kfu_exhibit_binder.md
3	KFU 14,033-email exhibit binder	output/KFU_EXHIBIT_BINDER_14033.pdf
4	DKIM proof aliases ride NGM tenant	output/DOMAIN_CONTROL_4PATENT_MEMO.md
4	50-alias enumeration	output/ 4PATENT_ALIAS_DEFINITIVE_COUNTS.md
5	245 TM docket w/ Litman as correspondent	output/USPTO_TRADEMARK_DOCKET_MAP.csv
5	8-12 post-SOL TTAB proceedings	output/TTAB_12_PROCEEDINGS_EXHIBIT.md
5	TUFFKOTE ITU under Litman’s name	memory project_trademark_discovery.md

End of memo. CSV companion: `output/USE_TIER_WEIGHTING_TABLE.csv`.