

## Other Legal Matters

In addition to the litigation described above, from time to time we are subject to or otherwise involved in various lawsuits, claims, investigations and legal proceedings that arise out of or are incidental to the conduct of our business (collectively, “Legal Matters”), including those relating to employment matters, patent rights, regulatory compliance matters, stockholder claims, and contractual and other commercial disputes. Such Legal Matters, even if not meritorious, could result in the expenditure of significant financial and managerial resources. Additionally, an unfavorable outcome in a legal matter, including in a patent dispute, could require the Company to pay damages, entitle claimants to other relief, such as royalties, or could prevent the Company from selling some of its products in certain jurisdictions. While the Company cannot predict with certainty the results of the Legal Matters in which it is currently involved, the Company does not expect that the ultimate outcome of such Legal Matters will individually or in the aggregate have a material adverse effect on its business, results of operations, financial condition or cash flows.

## Investment Commitment

We have committed to invest up to an aggregate of \$7.9 million in two private equity funds, of which \$7.7 million has been applied to these commitments as of December 31, 2019.

## Performance Bonds

Certain contracts, customers and/or jurisdictions in which we do business require us to provide various guarantees of performance such as bid bonds, performance bonds and customs bonds. As of December 31, 2019, we had commitments related to these bonds totaling \$9.3 million which expire at various dates through August 2024. As of December 31, 2018, we had commitments related to these bonds totaling \$6.5 million. Although the triggering events vary from contract to contract, in general we would only be liable for the amount of these guarantees in the event of default in our under each contract, the probability of which we believe is remote.

## Note 17 – Earnings (Loss) per Share

A summary of the calculation of basic and diluted earnings (loss) per share for the years ended December 31, 2019, 2018 and 2017 is as follows:

<i>(In thousands, except for per share amounts)</i>	2019	2018	2017
<b>Numerator</b>			
Net Income (Loss)	\$(52,982)	\$(19,342)	\$23,840
<b>Denominator</b>			
Weighted average number of shares—basic	47,836	47,880	48,153
Effect of dilutive securities:			
Stock options	—	—	406
Restricted stock and restricted stock units	—	—	140
<b>Weighted average number of shares—diluted</b>	<b>47,836</b>	<b>47,880</b>	<b>48,699</b>
Earnings (loss) per share—basic	\$(1.11)	\$(0.40)	\$0.50
Earnings (loss) per share—diluted	\$(1.11)	\$(0.40)	\$0.49

For each of the years ended December 31, 2019 and 2018, 5.7 million and 2.5 million, respectively, shares of unvested stock options, PSUs, RSUs and restricted stock were excluded from the calculation of diluted EPS due to their anti-dilutive effect.

For the year ended December 31, 2017, 3.2 million stock options were outstanding but were not included in the computation of diluted earnings (loss) per share because the options’ exercise prices were greater than the average market price of the common shares, therefore making them anti-dilutive under the treasury stock method.