Martin P. Haeberli
525 Nimitz Avenue
Redwood City, California 94061 USA
Cell: (650) 714-9481
Email: mhaeberli@gmail.com

Testifying Expert Witness for Litigation:

2024 – present:	For Apple in Gordoa et. al. v Apple, ND-CA 22-CV-02900
2023 - present:	For X1 Discovery in ITC Investigation NR-004, and related Federal District Cases with respect to search-related patents.
2019 - 2022:	For Motorola in Uniloc 2017 LLC v. Motorola Mobility LLC Delaware Civil Action No. 18-cv-01844 (DED). Analysis of source code and related matters.
2019:	For U-Blox in U-Blox AG, et al. v. InterDigital, Inc., et al., SD-CA 1:19-cv-00001, working through Sheppard Mullin. Analysis of source code.
2017:	For Advertise.com in AdSupply v Advertise.com, 2:16-cv-08921, working through NixonPeabody. Analysis of JavaScript code and other items at issue in case. Copyright case.
2016:	For defendant MoEngage in Pipal Tech Ventures v MoEngage Inc Delaware Chancery Court Case No. 10381-VCG, working through Duane Morris. Analysis of source code at issue. Trade secret case.
2016:	For plaintiff "Woolich Racing" in CD-CA Case No. 8:16-CV-00040-JVS-KES Techmark Software Pty Ltd T/A Woolich Racing v. FT ECU, Inc., working through Kirton McConkie. Analysis of artifacts and evidence related to alleged use of trade secrets. Trade secret case.
2015 - present:	For plaintiff Mata in Mata v Raytheon Applied Signal Technology et al., Santa Clara County Case # 113CV252985, working through Ainley Law. Analysis related to potential spoliation of computer-related evidence to be used against plaintiff Mata. Deposition May, 2016. Trial testimony June, 2016.
2015 - 2016:	For defendant EdgeAQ in WTS Paradigm v. EdgeAQ WD-WI Case No. 3:15-cv-00330-WMC, working through Dr. Martin Walker / Brass Rat Group & Baker Donelson. Work related to review of source code relevant to trade secret claims. Deposition May, 2016. Trade secret aspects of case.
2015:	For plaintiff CCE in Cellular Communications Equipment (CCE) v Samsung ED-TX Civil Action No. 6:14-cv-759-JRG, working through Barr Group LLC & Nelson Bumgartner. Analysis of wireless communication protocol implementations in Android devices. Patent case.
2015 - 2016:	For plaintiff DET in Data Engine Technologies (DET) v IBM, ED-TX Civil Action No.: 6:13-cv-00858, working through Ahmad Zavitsanos Anaipakos Alavi & Mensing. Analysis of asserted prior art. Patent case. Deposition January, 2016.
2015:	Testifying expert for defendants Effective Health Systems, Inc., et al., (ND-CA 4:15-cv-00071-YGR), working through Vasquez Benisek & Lindgren LLP and Krongold Law Corp. Analysis of source code relevant to complaint. Copyright case. Case settled before trial.
2015:	Testifying expert for defendant Foote in Music Group Macao v David Foote (ND-CA 3:2014-cv-03078), working through Thoits. Analysis related to standard of care for Chief Technology Officers. Contract case. Deposition September, 2015. Case settled before trial.
2015 – 2016:	Confidential divorce case, working through WinterRoss. Analysis of source code relevant to valuation of assets in divorce and economic contributions of respective parties.
2013 – 2015:	Testifying expert for FujiFilm in matters opposed to Motorola Mobility LLC (ND-CA 12-cv-03587-WHO) working through MorganLewis. Infringement analysis and source code review. Deposition November 2014. Trial testimony presented in April 2015. Patent case.
2013 – 2016:	Testifying expert (by written report) for Bernstein in Woodell v. Bernstein, Kiraly & Does 1 - 100, San Mateo County Superior Court, Case #CIV-517287, civil case involving cell phone evidence. Analysis related to defendant's claims of spoliation of evidence by plaintiff. Client prevailed at CA court and at appeal.
2011 – 2014:	Motorola Mobility, Inc. v. Apple, Inc., Case No. 10-cv-00867 (D. Del.); Motorola Mobility, Inc. v. Apple, Inc., Case No. 10-cv-23580 (S.D. Fla.); Apple Inc. v. Motorola, Inc. and Motorola Mobility, Inc., Case Nos. 10-cv-00661 and 10-cv-00662 (W.D. Wis.); In the Matter of Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof, ITC Investigation No. 337-TA-745; In the Matter of Certain Mobile Devices and Related Software, ITC Investigation No. 337-TA-750 (collectively, the "Actions") – consulting and testifying expert for Apple through Weil, Gotshal & Manges LLP. Source code review and analysis of Android device behavior. Patent case.
2010 – 2012:	TransPerfect Global, Inc. et al v. MotionPoint Corporation (ND-CA 4:10-CV-02590-CW) – consulting and testifying expert for defendant / cross-complainant MotionPoint through McDermott Will & Emery.
2010 – 2011:	Avago v STMicroelectronics (ED - TX) - Testifying expert (and consulting expert) for defendant STMicro related to invalidity of asserted claims.
2009 – 2010:	Sun v NetApp (ND - CA) – Testifying expert for defendant NetApp related to analysis of source code in support of NetApp's noninfringement positions.
2001:	Techsearch v UNext (ND – IL) – Testifying expert for defendant UNext related to invalidity of asserted claims. Case settled favorably for defendant.

EX-2002
U.S. Patent 10,552,490

Consulting Expert for Litigation:

2020 - present: For Supercell in Gree vs Supercell Case No. 19-cv-00310 (ED-TX), working through Dr. Martin Walker. Confidential source code analysis.

2019 - present: For Elasticsearch in Elasticsearch v. floragunn, Case No. 4:19-cv-05553 (ND CA), working through O'Melveny. Confidential source code analysis.

2019 - present: Lexmark – for Dr.Walker, analysis of potential trade secret and patent infringement case against makers of printer cartridge copy protection defeat mechanisms.

2019 - present: For Motorola in Motorola v. Hytera Communications Corp, Case No. 1:17-cv-01973 (ND-IL). Source code review to analyze and compare Motorola's code to Hytera's in trade secret / copyright litigation, working through Dr.Marty Walker.

2019 - present: For Stratacache in Stratacache v. Chopra, 5:19-cv-00178-BLF (ND CA). Analyze forensic evidence related to potential trade secrets case.

2018: For SheppardMullin assessing software related to a corporate acquisition by Varsity Health Care Partners.

2018 - present: For SusmanGodfrey, consulting engagement to Susman Godfrey in anticipation of future litigation. No relationship to Apple or Qualcomm matters.

2018 - present: For Rocky Mountain Construction (Klamath Falls, OR) working through Parsons Farnell & Grein, LLP. Analysis of failure in heavy equipment real-time control system.

2018 - 2019: For Vendavo in Vendavo, Inc. v. Price f(x) AG, et al Case No. 3:17-cv-06930 (ND-CA). Source code analysis directed to patent infringement and trade secrets. Working through JurisLogic.

2018 - present: For 2Wire in TQ Delta v 2Wire, Case No. 13-cv-1835-RG (DE). Analysis of certain 2Wire accused products and related Broadcom products, working through Dr. Martin Walker / Brass Rat Group. Patent case.

2018 - present: For RealTek in confidential analysis related to WiFi patent issues, working through Dr. Martin Walker / Brass Rat Group. Patent case.

2018 - present: For Huawei in Fundamental Innovation Systems v Huawei, Case No. 2:16-cv-01424-JRG-RSP (ED-TX), working through w/Mr.Brian Berg. Analysis of certain accused devices. Patent case.

2018 - present: For Ipsilium in Ipsilium v Cisco, Case No. 4:17-cv-07179 (ND-CA). Analysis of certain Cisco accused products, working through JurisLogic. Patent case.

2018 - present: For GeoSolutions in international trade secret case vs Sina / Weibo, working through Dr. Martin Walker / Brass Rat Group. Analysis of geolocation software and related communications protocols. Trade secret / copyright case.

2018 - present: For Accenture in Uchytil v. Avanade Inc., et al, Case No. C12-2091-JCC (W.D.W.) Accenture False Claims Act, for Accenture, 11/2017 - present, working through Dr. Martin Walker / Brass Rat Group. Source code review and analysis. False claims act case.

2017 - present: For M2M in M2M Solutions LLC v. Amazon.com, Inc., C.A. No. 17-202-LPS-CJB, Delaware, working in conjunction w/Mr.Brian Berg. Analysis of certain accused devices. Patent case.

2017 - present: For Google in Attia, et al. v. Google, Inc, Case No. 1:14-cv-274103, Superior Court for the State of California for the County of Santa Clara, working through Dr. Martin Walker / Brass Rat Group. Source code analysis; analysis of patent and patent file history disclosures in light of trade secret claims. Trade secret case.

2017: For ORG in COMPULIFE SOFTWARE, INC. v. BINYOMIN RUTSTEIN a/k/a BEN RUTSTEIN, DAVID RUTSTEIN a/k/a DAVID GORDON a/k/a BOB GORDON a/k/a NATE GOLDEN and JOHN DOES 1 TO 10, SD-FL 9:16-CV-80808, working through Dr. Martin Walker / Brass Rat Group. Analysis of opposition expert report and evidence related to web server architecture. Trade secret / copyright case.

2017: For Accenture – analysis of custom Android application software developed for the State Bank of India, working through JurisLogic. Tasked with analysis of Android device software. Trade secret case.

2017 – present: JurisLogic – Advise and consult on a range of litigation projects – as shown above.

2017 – 2018: For Intel as supplier in *Certain Mobile Electronic Devices and Radio Frequency and Processing Components Thereof*, Investigation No. 337-TA-1065 (ITC), working through Dr. Martin Walker / Brass Rat Group. Analysis of RF systems. Patent case.

2017: For IBM in IBM v TeraProc, 7:16-cv-07989, working through Dr. Martin Walker / Brass Rat Group. Analysis of computer source code related to management of large-scale computing systems. Trade secret case.

2017: For Customedia in Customedia Technologies, L.L.C. v. Dish Network Corporation et al. 2:16-cv-00129, working through ReedScardino. Tasked with narrow source code review. Patent case.

2017: For Broadcom in *Certain Semiconductor Devices and Consumer Audiovisual Products Containing Same*, Investigation No. 337-TA-1047 (ITC), working through Steptoe. Source code review of accused device code. Patent case.

2017: For Imagination Technologies as supplier in *In the Matter of Certain Graphics Processors DDR Memory Controllers, and Products Containing the Same*, Investigation No. 337-TA-1037 (ITC), working through Dr. Martin Walker / Brass Rat Group. Attention to non-infringement theories. Patent case.

2017: For Epic in Epic Communications, Inc. v Richwave Technology Corporation, State of California Superior Court, Santa Clara County, Case No. 1-06-cv-076689, working through Dr. Martin Walker / Brass Rat Group. Analysis of chip design geometry. Trade secret / contract case.

2016 - 2017: For plaintiff Raytheon in Raytheon v Cray ED-TX Case No. 2:15-cv-1554-JRG-RSP, working through Dr. Martin Walker / Brass Rat Group. Review of computer systems related to management of large-scale computer systems. Patent case.

2016 - 2017: For defendant Valve in BT v Valve Delaware Case No. 1:99-mc-09999, working through Dr. Martin Walker / Brass Rat Group. Source code review and related non-infringement analysis. Patent case.

2016 - 2017:	For Tessera, working through Dr. Martin Walker / Brass Rat Group. Analysis related to Samsung mobile phone cameras for licensing purposes.
2016:	For Intel in AVM Technologies v Intel, 1:15-cv-00033, working through Dr. Martin Walker / Brass Rat Group. Data analysis in support of non-infringement and damages analysis. Patent case.
2016:	For MoEngage in Pipal Tech Ventures Private Limited v MoEngage, Inc., C.A. No. 10381-VCG Court of Chancery of the State of Delaware, Analysis of source code and related documents regarding trade secret claims. Trade secret case. Case settled before report, deposition, or trial.
2016:	For defendant Intel in R2 Semiconductor, Inc. v. Intel Corporation et al ED-TX Case No. 2:16-cv-01011, working through Dr. Martin Walker / Brass Rat Group. Data analysis in support of non-infringement and damages analysis. Patent case.
2015 - 2016:	For plaintiff NFCT in NFC Technology (NFCT) v Samsung, ED-TX Case No. 2:15-CV-00283-JRG-RSP, working through Dr. Martin Walker / Brass Rat Group & Finnegan. Infringement analysis; source code review; review of accused Android devices. Patent case.
2015 - 2016:	For plaintiff IV in Intellectual Ventures I LLC and Intellectual Ventures II LLC Litigations (v. Ricoh) (Case No.J:13-C V-00474-SLR) working through Tensegrity. Reverse engineering analysis of accused devices. Patent case.
2015 - 2016:	Consulting for defendant Storix in Johnson v Storix (SD-CA 3:2014-cv-01873), working through Procopio. Copyright case. Confidential source code analysis for attorneys.
2014 – present:	Haeberli Associates LLC - Wide variety of litigation consulting projects for various clients – as shown above.
2014:	Consulting for nVidia in nVidia v Samsung, ITC (In the matter of certain consumer electronics and display devices with graphics processing and graphics processing units therein, Investigation No. 337-TA-932) and Delaware (1:14-cv-01127-LPS-CJB NVIDIA Corporation v. Samsung Electronics Co., Ltd. et al), working through Orrick. Analysis of Verilog and VHDL source code.
2015 - 2016:	Consulting for Mr. Brian Berg in prior art analysis in a case for defendant. Case reference unavailable to me.
2014 - 2015:	Consulting for Bockstar in Bockstar Technologies LLC v. Cisco Systems Inc., 13-cv-2020 (SLR) (D. Del.), working through Covington & Burling, LLP. Worked on analysis in support of IPR proceedings.
2014:	Consulted to Mr.Stuart Soffer – confidential work re source code analysis for a copyright / trade secrets case – work supporting defendant Adorama et al in Alexander Interactive, Inc. et al v Adorama, Inc. et al, Case No. 12 CV 6608 (PKC) – (SD – NY).
2014:	Consultant for Yahoo, defending against plaintiff MXGO, working through McDermott. Patent case.
2013:	Consultant for Maxim in MDL No. 2354 in the United States District Court for the Western District of Pennsylvania, working through Tensegrity Law Group.
2013 – 2014:	Consultant for Mr.Brian Berg in re Adrea LLC v Barnes and Noble et al (working for Adrea), Case No. 13-cv-4137-JSR – SDNY.
2013 – present:	Berg Software - Advise and consult with Mr. Berg and his clients on a variety of litigation projects – as shown above.
2013:	For InterDigital vs ZTE, working through Dr. Martin Walker / Brass Rat Group.
2012 – present:	Consultant for Dr. Martin Walker on matters related to analysis of public evidence about the operation of Android source code and Android devices. Also advised Dr.Walker with analysis defending Google against patent complaints (e.g., from Personal Audio (MP3 players, etc)), defending copyright complaint (Oracle v Terix), and analyzing prior art and defendant's system for plaintiff Cadence.
2012 – 2015:	Apple Inc. v. Samsung Electronics Co., et al., Case No. 12-cv-00630-LHK (PSG) (N.D. Cal), and potentially other related patent infringement actions - consulting (and perhaps testifying) expert for Apple through Gibson, Dunn & Crutcher LLP.
2012 – 2013:	Consultant for HTC in Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof, ITC Inv. 337-TA-847, through McDermott, Will & Emery. (Nokia as plaintiff, HTC as defendant.)
2012 – 2015:	Source code audit and related work for Trend Micro via McDermott.
2012 – 2016:	HumanEyes. v. various Sony entities Case No. 1:12-cv-00398-GMS (Delaware) and ITC Docket 337-TA-842 - consulting (and perhaps testifying) expert for HumanEyes through Tensegrity Law Group.
2012 – 2014:	Apple Inc. v. Samsung Electronics Co., Case No. 11-cv-01846 (N.D. Cal.) and ITC Docket Nos. 2824 and 2827 as well as international patent litigation where Apple and Samsung are opposed - consulting (and perhaps testifying) expert for Apple through WilmerHale.
2012 – 2015:	Consultant for OIP Corporation in matters adverse to Amazon.com, Inc. in Case No. 3:12-cv-01233-EMC, working through Tensegrity.
2012:	Wi-LAN v. Alcatel, et al. Eastern Dist. of Texas, Case No. 6.10-cv-521, working for defendant HTC through Sheppard Mullin.
2012:	Finjan, Inc. v. McAfee, Inc., Symantec Corp, Webroot Software, Inc . Websense. Inc. and Sophos, Inc., District of Delaware Case No. 1:0-CV-00593-GMS, working for Websense as a consultant through Cooley Godward.
2011 – 2012:	Extricom, Ltd. v. Meru Networks, Inc. Civil Action No. 10-391-GMS (D. Del.) Mr. Haeberli has been a consulting expert for Extricom in matters opposed to Meru, working through Sheppard Mullin.
2011:	The Nielsen Company (US), LLC v. comScore, Inc, U.S. District Court, Eastern District of Virginia, Norfolk Division Case No. 2:11-cv-00168-MSD/TEM; comScore, Inc. v. The Nielsen Company (US), LLC and NetRatings, LLC, d/b/a Nielsen Online, U.S. District Court, Eastern District of Virginia, Alexandria Division, Case No. 1:11-cv-00290-LMB/TRJ– consulting expert for Nielsen through JonesDay.

2011 – 2012: TiVo v. Verizon Communications, Inc. et al. (ED-TX 2:09-cv-00257-DF) – consulting expert for defendant / cross-complainant Verizon through Kellogg, Huber, Hansen, Todd, Evans & Figel.

2010 – 2011: MobileMedia Ideas LLC v HTC Corporation et al. (ED-TX 2:10-cv-00112-TJW) – consulting expert for defendant HTC through McDermott Will & Emery.

2010 – 2011: Site Update Solutions LLC v Accor North America Inc et al (ED-TX 10-cv-00151) – consulting expert re defenses for defendants Adobe, Amazon.com, Intuit, LinkedIn, MySpace, Newegg, Sears, Target, and Wyndam through McDermott Will & Emery.

2011: Red Hat, Inc. v. Bedrock Computer Technologies LLC, Case No. 6:09-cv-00549-LED (E.D. Tex.) – consulting expert for The Gap for source code analysis

2011: Bedrock Computer Technologies LLC v. Softlayer Technologies, et.al., Case No. 6:09-cv-00269-LED (E.D. Tex.) – consulting expert for Yahoo for source code analysis

2010 – 2011: ActiveVideo Networks, Inc. v. Verizon Communications, et al, Case No. 2:2010-cv-00248-RAJ – consulting expert for source code analysis for Verizon.

2010: Verizon v Cablevision, ITC 337-TA-712 – consulting expert for source code analysis

2010: Patent prosecution work for HubWoo under the direction of Manatt.

2010: Patent prosecution work for FinancialOS under the direction of Manatt.

2010: Analysis of litigation defenses for RealTek under the direction of Manatt.

2010: Analysis of patent portfolio for Rotani at the direction of Manatt.

2010: Analysis of patent portfolio for SonicWall at the direction of Manatt.

2009 - 2011: Analysis of patent litigation defenses for DataDirect Networks (v Crossroads) at the direction of Manatt.

2009 – 2010: EMG v Apple, American Airlines, Bloomberg, Continental, The Weather Channel, United Parcel Service, Dell, Hyatt, Marriott, and Barnes & Noble (ED-TX 08-cv-00447), EMG v Microsoft, Scottrade, Southwest, Priceline, Zagat, and Comcast, (ED-TX 09-cv-00367) – consulting expert for infringement analysis

2009 – 2010: PartsRiver v Shopzilla et al. Worked with Manatt on behalf of PartsRiver reviewing issues related to appeals briefs with the Board of Patent Appeals in a re-examination of the patent at issue

2008 – 2009: Rembrandt v Comcast et al & related cases – consulting expert for source code infringement analysis

2008 – 2009: CNET v Etilize (ND-CA) – consulting expert for defendant Etilize – advised litigation team and testifying expert with respect to non-infringement and invalidity

2005 – 2009: Visto v RIM (ED-TX) and related cases, including RIM v Visto (ND-CA), RIM v Visto (Canada), and RIM v Visto (UK) – consulting expert for plaintiff (and defendant) Visto; advised on source code review in support of testifying expert on infringement; also advised on validity for Visto's patents and invalidity of patents asserted against Visto

2005 – 2009: Visto v Good (ED-TX) – consulting expert for plaintiff Visto; advised on source code review in support of testifying expert on infringement

2004 – 2008: Visto v Microsoft (ED-TX) – consulting expert for plaintiff Visto; led source code review in support of testifying expert on infringement; also advised on validity

2005 – 2007: Macrovision v Sima / Interburn (SD-NY) – consulting expert for plaintiff Macrovision; advised on infringement theories, DMCA violation theories, and validity of Macrovision's asserted claims

Other related work:

2010: Patent analysis work for McDermott Will & Emery

2009: Patent analysis work for iPotential

2009: Patent analysis work for Sonnenschein Nath & Rosenthal

2008: Constructed a demonstration system for Prof. John Mitchell of Stanford

2008: Patent analysis work for Intellectual Ventures

2008: Patent prosecution advice for The Mueller Law Office

Mr. Haeberli has over 40 years' experience in electronics design, computer systems, communications systems, hardware, and software. He worked on packet-switching networks, including the ARPAnet and early TCP/IP systems at BBN in the 1970's, custom Very-Large-Scale Integrated Circuits at Xerox Palo Alto Research Center in 1981, designed the production Xerox single-chip Optical Mouse, assisted Jim Clark (later founder of Silicon Graphics, Inc.) in testing his first Geometry Engine chips, and led the custom chip design efforts for the Apple Macintosh team in 1982 - 1983. He also led Apple's efforts to support TCP/IP, and ran Apple's first internet commerce pilot program. He was Director of Technology at Netscape from 1996 – 1997. At Xerox, he also led initial deployment and internal communications efforts related to Ethernet. At Apple and at Netscape he was very active with standards efforts. He studied packet voice in a graduate seminar at MIT, and has also worked on wired and wireless communications systems, including 802.11. He combines a strong understanding of technology with an in-depth approach to business needs.

EXPERIENCE

2000 – present ***HAEBERLI ASSOCIATES***
MANAGING CONSULTANT

2003 – 2011 ***MANATT, PHELPS & PHILLIPS***

TECHNICAL ADVISOR

7/2002 – 12/2004 ***MARCONI PARTNERS***
MANAGING DIRECTOR

1998 – 1999 ***OVERSEA SYSTEMS***
CHIEF TECHNOLOGY OFFICER

1996 – 1998 ***NETSCAPE COMMUNICATIONS***
1997 – 1998 **DIRECTOR OF EDUCATION MARKETING**
1996 – 1997 **DIRECTOR OF TECHNOLOGY**

1982 – 1995 ***APPLE COMPUTER***
1994 – 1995 **INTERNET WIZARD**
1989 – 1993 **MANAGER, STRATEGIC TECHNOLOGY GROUP**
1984 – 1988 **STRATEGIC TECHNICAL ADVISOR, EDUCATION**
1982 – 1983 **MANAGER, VLSI DESIGN**
1972 – 1981 ***XEROX, BBN, TECHMATION, UNIVERSITY OF WISCONSIN***

EDUCATION

Charter Oak State College, New Britain, CT
Bachelor of Science in Information Science Studies
UC Berkeley Extension, Berkeley, CA
Concepts of Relational Database Management Systems
Sandia Labs, Albuquerque, NM
Advanced MEMS, Introduction to MEMS
UC Santa Cruz, Santa Cruz, CA
Intensive seminar in Object-Oriented Programming
California Institute of Technology, Pasadena, CA
Intensive seminar in CMOS design
Massachusetts Institute of Technology, Cambridge, CA
Graduate Seminar in Integrated Voice/Data Networks
University of Wisconsin, Madison, WI
Undergraduate studies in Computer Science and Electrical Engineering

PROFESSIONAL AFFILIATIONS

Association for Computing Machinery (ACM), Senior Member
Institute of Electrical and Electronics Engineers (IEEE), Senior Member
American Radio Relay League (ARRL)
Foresight Institute

ADDITIONAL QUALIFICATIONS

Extra Class Amateur Radio License – W9MPH
First Amateur License received in 1970

LANGUAGES

Conversational knowledge of German, Swiss-German, and French

Martin P. Haeberli
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Redwood City, California 94061 USA
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EXPERIENCE

2000 – present

HAEBERLI ASSOCIATES
MANAGING CONSULTANT

Perform confidential technology expert & expert witness consulting for intellectual property attorneys and their clients, including Rembrandt v Comcast et al (for Rembrandt); work on patent analysis for Sonnenschein Nath & Rosenthal; work on patent analysis for iPotential and for Intellectual Ventures; work on a demonstration system for Prof. John Mitchell of Stanford, and advise on patent prosecution for The Mueller Law Office.

Example Assignments:

In 2014, selected to consult for Bockstar in Bockstar Technologies LLC v. Cisco Systems Inc., 13-cv-2020 (SLR) (D. Del.), working through Covington & Burling, LLP.

In 2014, consulted to Mr. Stuart Soffer, confidential work re source code analysis for a copyright / trade secrets case - supporting defendant Adorama et al in Alexander Interactive, Inc. et al v Adorama, Inc. et al, Case No. 12 CV 6608 (PKC) – (SD – NY).

In 2014, consulted for Nexenta Systems, advising re litigation strategy defending against potential litigation from plaintiff Crossroads Systems, Inc., working through NixonPeabody.

In 2014, consulted for Yahoo, defending against plaintiff MXGO, working through McDermott.

In 2013, selected to consult for FujiFilm in FujiFilm v Motorola Mobility LLC, Case No 3:12-cv-03587-WHO (N.D. Cal), working through MorganLewis.

In 2013, selected to consult for Maxim in MDL No. 2354 in the United States District Court for the Western District of Pennsylvania, working through Tensegrity Law Group.

In 2012, selected to consult for HTC in Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof, ITC Inv. 337-TA-847, through McDermott, Will & Emery. (Nokia as plaintiff, HTC as defendant.)

In 2012, selected to consult for Dr. Martin Walker on matters related to analysis of public evidence about the operation of Android source code and Android devices.

In 2012, selected to consult for Apple in Apple Inc. v. Samsung Electronics Co., et al., Case No. 12-cv-00630-LHK (PSG) (N.D. Cal), and potentially other related patent infringement actions, working through Gibson, Dunn & Crutcher LLP.

In 2012, selected to consult for OIP Corporation in matters adverse to Amazon.com, Inc. in Case No. 3:12-cv-01233-EMC, working through Tensegrity Law Group.

In 2012, selected to be a consulting (and perhaps testifying) expert for HumanEyes in ITC and US Federal District Court actions vs various Sony parties (ITC-337-TA-842 and Delaware 1:12-cv-00398-GMS

In 2012, source code audit and related work for Trend Micro via McDermott.

In 2012, selected as a consultant for defendant Websense in the matter Finjan, Inc. v. McAfee, Inc., Symantec Corp, Webroot Software, Inc . Websense. Inc. and Sophos, Inc., District of Delaware Case No. 1:0-CV-00593-GMS, working through Cooley Godward.

In 2012, selected as a consulting expert for defendant HTC in the matter Wi-LAN v. Alcatel, et al. Eastern Dist. of Texas, Case No. 6.10-cv-521, working through Sheppard Mullin.

In 2012, selected to be a consulting (and perhaps testifying) expert for Apple in Apple Inc. v. Samsung Electronics Co., Case No. 11-cv-01846 (N.D. Cal.) and ITC Docket Nos. 2824 and 2827 as well as international patent litigation where Apple and Samsung are opposed, working through WilmerHale.

In 2011, selected to be a consulting expert for Extricom in Extricom, Ltd. v. Meru Networks, Inc. Civil Action No. 10-391-GMS (D. Del.), working through Sheppard Mullin.

In 2011, selected to be a consulting and perhaps testifying expert for Apple in Motorola Mobility, Inc. v. Apple, Inc., Case No. 10-cv-00867 (D. Del.); Motorola Mobility, Inc. v. Apple, Inc., Case No. 10-cv-23580 (S.D. Fla.); Apple Inc. v. Motorola, Inc. and Motorola Mobility, Inc., Case Nos. 10-cv-00661 and 10-cv-00662 (W.D. Wis.); In the Matter of Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof, ITC Investigation No. 337-TA-745; In the Matter of Certain Mobile Devices and Related Software, ITC Investigation No. 337-TA-750 (collectively, the "Actions"), through Weil, Gotshal & Manges LLP.

In 2011, selected to be a consulting (and perhaps testifying) expert for Nielsen in The Nielsen Company (US), LLC v. comScore, Inc, U.S. District Court, Eastern District of Virginia, Norfolk Division Case No. 2:11-cv-00168-MSD/TEM; comScore, Inc. v. The Nielsen Company (US), LLC and NetRatings, LLC, d/b/a Nielsen Online, U.S. District Court, Eastern District of Virginia, Alexandria Division, Case No. 1:11-cv-00290-LMB/TRJ, working through Jones Day.

In 2011, selected to be a consulting (and perhaps testifying) expert for Verizon in TiVo v. Verizon Communications, Inc. et al. (ED-TX 2:09-cv-00257-DF), working through Kellogg, Huber, Hansen, Todd, Evans & Figel.

In 2011, selected to be a consulting expert for The Gap in Red Hat, Inc. v. Bedrock Computer Technologies LLC, Case No. 6:09-cv-00549-LED (E.D. Tex.), working through McDermott Will & Emery.

In 2011, selected to be a consulting expert for Yahoo in Bedrock Computer Technologies LLC v. Softlayer Technologies, et.al., Case No. 6:09-cv-00269-LED (E.D. Tex.) working through McDermott Will & Emery.

In 2010, selected to be a consulting expert for Verizon in ActiveVideo Networks, Inc. v. Verizon Communications, et al, Case No. 2:2010-cv-00248-RAJ, working through Kellogg, Huber, Hansen, Todd, Evans & Figel.

In 2010, selected to be a consulting testifying expert for MotionPoint in TransPerfect Global, Inc. et al v. MotionPoint Corporation (ND-CA 4:10-CV-02590-CW), working through McDermott Will & Emery.

In 2010, selected to be a consulting testifying expert for STMicroelectronics in the matter Avago v. ST et al, Civil Action No. 6:2010-cv-00092-LED, United States District Court, Eastern District of Texas, Tyler Division, working through Thompson & Knight LLP.

In 2010, selected as a consulting expert for defendant HTC in the matter MobileMedia Ideas LLC v HTC Corporation et al. (ED-TX 2:10-cv-00112-TJW), working through McDermott Will & Emery.

In 2010, selected as a consulting expert for defendants Adobe, Amazon.com, Intuit, LinkedIn, MySpace, Newegg, Sears, Target, and Wyndam in the matter Site Update Solutions LLC v Accor North America Inc et al (ED-TX 10-cv-00151), working through McDermott Will & Emery.

In 2010, selected as a consulting expert for source code analysis in support of plaintiff Verizon in Verizon v. Cablevision (ITC 337-TA-712), working through Kellogg, Huber, Hansen, Todd, Evans & Figel.

In 2009, selected as the testifying-track expert witness for source code analysis in support of defendant's noninfringement positions (Sun v NetApp - ND-CA - C-07-05488).

In more recent projects for diverse clients, conducted source code review in discovery of multiple large source code bases, built and analyzed infringement test systems, conducted review of machine learning art relevant to client's patent portfolio, advised in patent prosecution, and conducted patent portfolio reviews.

2003 – 2011 ***MANATT, PHELPS & PHILLIPS***

TECHNICAL ADVISOR

Perform confidential technology expert & expert witness consulting for intellectual property attorneys and their clients. Standing consulting agreement with Manatt, Phelps, & Phillips, Palo Alto Patent Litigation and Patent Prosecution team since June, 2004. Work with Manatt, Phelps, & Phillips and their clients since August, 2003.

- Visto v Seven – (Eastern District of Texas) – all work representing plaintiff Visto. Assisted Visto in developing and pursuing its case. Performed infringement analysis; reviewed briefs; developed infringement theories and claim charts; reviewed document production; assisted testifying expert in analysis of Seven's system and source code and preparation of expert report on Seven's infringement of Visto's patent's claims; assisted testifying expert in rebutting Seven's invalidity assertions made against Visto's patents; assisted in deposition of technical witnesses and testifying experts on infringement and invalidity of Visto's patents; assisted at trial. Initial complaint filed in 2003. Trial held in Marshall, Texas in April, 2006. Jury found for Visto as plaintiff, found all asserted claims infringed and not invalid. Case settled while defendant's appeal was pending on terms favorable to Visto.
- Visto v Microsoft – (Eastern District of Texas) – all work representing plaintiff Visto. Assisted Visto in developing and pursuing its case. Advised on independent review of merits of case for due diligence purposes; advised potential Visto investor on merits of case, which resulted in a significant additional investment in Visto. Performed infringement analysis; reviewed briefs; reviewed Microsoft's document production; developed infringement theories and claim charts; assisted testifying expert in analysis of Microsoft's system and source code and preparation of expert reports on Microsoft's infringement of Visto's patent's claims; assisted testifying expert in rebutting Microsoft's invalidity assertions made against Visto's patents; analyzed Microsoft's asserted patents (in cross-complaint) for potential non-infringement and invalidity theories, assisted in depositions of technical witnesses and testifying experts on infringement and invalidity of Visto's patents. Advised in drafting of initial complaint filed in 2005. Case settled on terms favorable to Visto.
- Visto v Good – (Eastern District of Texas) – all work representing plaintiff Visto. Assisted Visto in developing and pursuing its case. Performed infringement analysis; reviewed briefs; developed infringement theories and claim charts; reviewed Good's document production; assisted testifying expert in analysis of Good's system and source; assisted testifying expert in rebutting Good's invalidity assertions made against Visto's patents; advised in drafting of initial complaint filed in 2005. Case has been

settled by Motorola's sale of Good to Visto; Visto is now operating under the "Good" brand.

- Visto v RIM (and related cases) – (Eastern District of Texas) – all work representing plaintiff Visto. Assisted Visto in developing and pursuing its case. Performed infringement analysis; reviewed briefs; developed infringement theories and claim charts; reviewed RIM's document production; assisted testifying expert in analysis of RIM's system; assisted testifying expert in rebutting RIM's invalidity assertions made against Visto's patents; advised in deposition of RIM's technical. Advised in drafting of initial complaint filed in 2006. All open Visto – RIM cases settled in July 2009.
- Visto v Smartner (and related cases) – (Eastern District of Texas) –all work representing plaintiff Visto. Assisted Visto in developing and pursuing its case. Performed infringement analysis; reviewed briefs; developed infringement theories and claim charts; reviewed document production; assisted testifying expert in analysis of Smartner's system and source code and preparation of expert reports on Smartner's infringement of Visto's patent's claims; assisted testifying expert in rebutting Smartner's invalidity assertions made against Visto's patents; assisted in deposition of Smartner's technical witnesses on infringement of Visto's patents. Advised in drafting of initial complaint filed in 2005. Case settled on terms favorable to Visto.
- RIM v Visto, (Northern District of California) – all work representing plaintiff Visto. Assisted Visto in defending its case and in developing its cross-complaint on its own patents. Performed infringement analysis; reviewed briefs; developed infringement theories and advised on the development of claim charts. Initial complaint filed by RIM in 2007.
- RIM v Visto – (Canada) – all work representing plaintiff Visto. Assisted Visto Canadian local counsel, Gilbert's Law Group, in defending its case. Performed invalidity analysis; reviewed briefs and draft expert reports; developed invalidity theories and claim charts; consulted with testifying experts in analysis of RIM's patents and claims and in preparation of expert reports on Visto's non-infringement (and on invalidity) of RIM's patents' claims. Initial complaint filed by RIM in 2005.
- RIM v Visto, Visto v RIM (UK) – (London, England) – all work representing plaintiff Visto. Assisted Visto's local counsel, TaylorWessing, in defending its case and in developing and and pursuing its cross-complaint. Performed infringement analysis; reviewed briefs; developed infringement theories; advised TaylorWessing in its preparation of testifying expert on RIM's system and preparation of expert reports on RIM's infringement of Visto's patent's claims; assisted testifying expert in rebutting RIM's invalidity assertions made against Visto's patents. Initial complaint filed in 2005. Trial completed in early 2008. In the run-up to trial, RIM withdrew both its asserted patents from issuance and thus applicability in the UK, presumably because Visto's invalidity arguments were so strong. Court found Visto's patent infringed, but invalid.
- Macrovision v 321 Studios LLC – (Southern District of New York) – all work representing plaintiff Macrovision; performed analysis of 321 Studios' products in light of Macrovision's asserted patent claims and associated DMCA claims; assisted in drafting of complaint; assisted with litigation until the matter was resolved to the client's satisfaction. Client / plaintiff Macrovision was granted preliminary injunction against defendant 321 Studios enjoining its sale of accused products; this matter eventually settled in favor of Macrovision. Also advised in related enforcement action by Manatt on behalf of Macrovision as further providers of similar products were also notified of the injunction and stopped from selling such related products commercially.
- Macrovision v Sima / Interburn – (Southern District of New York) – all work representing plaintiff Macrovision; performed analysis of Sima's and Interburn's products; assisted in drafting of complaint; assisted in drafting of technical expert's report against Sima's accused products; assisted in deposition of Sima's technical expert; assisted with litigation until the matter was resolved to the client's satisfaction. This matter eventually settled in favor of Macrovision.
- Human Electronics v Emerson Electric (et al) – all work representing defendant Emerson Electric. Assisted in non-infringement and invalidity analysis. Analyzed defendant's products, plaintiff's patent and products. Eventually settled, favorably to

Emerson Electric. Technology related to telephone devices capable of detecting a call-wating signal while a modem was in use on the same telephone line.
- CSIRO v Belkin (et al) – all work representing defendant Belkin; analyzed CSIRO's patent and claims, and related prior art; researched related IEEE patent letters. Client chose to consolidate its representation with other defendants at another law firm. Technology related to IEEE 802.11 wireless LANs, in particular, the use of OFDM (Orthogonal Frequency-Division Multiplexing) in "confined multipath environments".
- Advised in patent prosecution; reviewed office actions; advised in drafting office action replies; drafted (for review by attorneys and clients) patent applications and related documents for a range of clients in the network security space, internet payments technology, content delivery networks, and email infrastructure technology.
- Perform a broad range of litigation and patent-prosecution-related activities at Manatt. Conduct pre-litigation analyses in advance of filing patent complaints. Analyze accused products for potential infringement. Conduct analyses for patent litigation defendants regarding potential infringement and invalidity. Analyze patent portfolios and provide strategic guidance to clients. Perform pre-acquisition patent-focused due diligence for clients. Provide general guidance on technology matters for patent team

7/2002 – 12/2004 ***MARCONI PARTNERS***

MANAGING DIRECTOR

Founding managing director of new venture capital firm focused on opportunities created by the infusion of wireless technology broadly into the worldwide economy:
- Conceived initial investment thesis based on observation of key trends in wireless technology and regulation
- Created investment criteria and decision process
- Recruited additional partners
- Developed and managed startup agenda, finance and operations
- Outlined, wrote and managed private placement memorandum
- Member, investment committee

1998 – 1999 ***OVERSEA SYSTEMS***

CHIEF TECHNOLOGY OFFICER

Directed development of business and technology strategies for Internet start-up serving the international container shipping industry. Coordinated product development efforts with customers to ensure viability and increase likelihood of success. Designed scalable, three-tier Web-based architecture enabling the business service; managed team of 10 developers in system integration and implementation. Managed remote team in installation and deployment of operations in Singapore:
- Secured capital funding through effective presentation of system to investors, potential partners, and potential customers
- Developed innovative methodology for operating scalable, reliable, distributed server farm that served as key building block for technology strategy
- Effectively managed multiple development partners in design and integration of product to deliver the company's service

1996 – 1998 ***NETSCAPE COMMUNICATIONS***

1997 – 1998 **DIRECTOR OF EDUCATION MARKETING**

Challenged to rebuild declining market share in K-12 and Higher Education markets. Directed marketing team of four in identification of target customers, strategic product positioning, and development of promotional programs. Developed and administered marketing budget; recruited and reviewed staff. Provided team with training and development opportunities. Represented company's strategies and products to partners and customers:
- Successfully met challenge to eliminate market share erosion in education market, in the face of strong competitive pressure from Microsoft
- Developed innovative pricing model resulting in combined growth of revenue and market share

1996 – 1997 **DIRECTOR OF TECHNOLOGY**

Recruited to develop company's technology strategy and manage key technology initiatives, combining expertise in market development with deep technology background. Defined product strategy and participated in corporate strategic planning and execution. Primary liaison to press, analysts, partners, customers, and field sales teams regarding Netscape's vision and technology direction:

- Achieved customer-centered product development philosophy through communication with key customers and identification of needs and trends
- Instituted use of Common Object Request Broker Architecture (CORBA) as alternative to costly development of unique, proprietary object model
- Formed partnership with World Wide Web Consortium (W3C) and broad range of vendors in development of Platform for Privacy Preferences (P3P)
- Presented six major industry keynotes communicating Netscape's market vision
- Initiated Netscape's early participation in Internet-related standards bodies

1982 – 1995 ***APPLE COMPUTER***

1994 – 1995 **INTERNET WIZARD**

Managed strategic Internet commerce and education programs through Apple's Advanced Technology Group (ATG) and Research & Development department. Led company's participation in CommerceNet, W3C, and other Internet-related standards bodies:

- Directed e-commerce pilot which pioneered selling software and collecting revenue electronically over the web, successfully integrating technology and business processes to prove viability and generate buy-in from senior management
- Architected, implemented, and operated a highly available, scalable, and reliable web server architecture to support e-commerce pilot

1989 – 1993 **MANAGER, STRATEGIC TECHNOLOGY GROUP**

Coordinated efforts between marketing and product development teams; developed effective relationships with business and education customers and provided feedback to assist in engineering and product planning processes. Managed technology-licensing initiatives with key players including Apollo and Northern Telecom, and explored partnership opportunities with AT&T:

- Significantly increased market share advantage through leadership in strategic market planning and vital communication of customer needs to product developers

1984 – 1988 **STRATEGIC TECHNICAL ADVISOR, EDUCATION**

Managed product marketing efforts relating to Higher Education and K-12 markets. Facilitated communication among product engineers, managers, and customers, leading to optimal usage and increasingly customer-focused development:

- Spearheaded formation of technical alliances between Apple and colleges / universities.
- Drove Apple to implement TCP/IP for Macintosh; overcame huge internal resistance (not-invented-here syndrome) to champion the creation of the first standardized implementation of TCP/IP for a personal computer

1982 – 1983 **MANAGER, VLSI DESIGN**

Directed up to 20 developers in creation of full-custom glue chip for first Macintosh design. Managed internal VLSI team; recruited chip designers and evaluated / selected tools to support operation Facilitated communication among product engineers, managers, and customers, leading to optimal usage and increasingly customer-focused development.

- Managed completion of glue chip in less than six months; tested and met logic specifications on first attempt
- Co-wrote award-winning MacTerminal, the first terminal emulator for Macintosh.
- Led design of "IBM" chip, integrating video, memory controller, and comprehensive glue functions into single chip
- Designed mask-programmed video controller feature on full-custom chip, enabling screen form factor to increase from 384x256 to 512x342 pixels

1972 – 1981 ***XEROX, BBN, TECHMATION, UNIVERSITY OF WISCONSIN***

Chip design, Systems programming and hardware / software development positions:

- Worked with Jim Clark, founder of SGI, to test his first Geometry Engine chips (Xerox PARC)
- Designed and developed testable optical mouse chip; also developed test program and technology (Xerox PARC)
- Developed Xerox Alto microcode interpreter for "Butte" systems programming language (Xerox ASD)
- Helped prepare advanced Xerox sales force for Ethernet (Xerox ASD)
- Wrote first IP v2 / IP v3 / IP v4 router (BBN)
- Restructured Pluribus kernel for reliability and maintainability (BBN)
- Managed Psychology department computer lab (University of Wisconsin)
- Co-wrote real-time data acquisition and analysis operating system for Nuclear Physics department (University of Wisconsin)

EDUCATION

Charter Oak State College, New Britain, CT
Bachelor of Science in Information Science Studies
UC Berkeley Extension, Berkeley, CA
Concepts of Relational Database Management Systems
Sandia Labs, Albuquerque, NM
Advanced MEMS, Introduction to MEMS
UC Santa Cruz, Santa Cruz, CA
Intensive seminar in Object-Oriented Programming
California Institute of Technology, Pasadena, CA
Intensive seminar in CMOS design
Massachusetts Institute of Technology, Cambridge, CA
Graduate Seminar in Integrated Voice/Data Networks
University of Wisconsin, Madison, WI
Undergraduate studies in Computer Science and Electrical Engineering

PROFESSIONAL AFFILIATIONS

Association for Computing Machinery (ACM), Senior Member
Institute of Electrical and Electronics Engineers (IEEE), Senior Member
American Radio Relay League (ARRL)
Foresight Institute

ADDITIONAL QUALIFICATIONS

Extra Class Amateur Radio License – W9MPH
First Amateur License received in 1970

ADVISORY BOARDS

AcrossWorld Communications, Santa Clara, CA, 2001 – 2003
Brainstorm Ventures, San Francisco, CA, 2001 – 2003
Amadon Labs, Seattle, WA, 2001
BIAP Systems, Leesburg, VA, 2001 – 2002
Fuse Systems, San Mateo, CA, 2000
KeyAssets, Palo Alto, CA, 2000 – 2002
NodeLogic Networks (Advisory Board, Board of Directors), Seattle, WA, 2002 – 2005
OffRoad Capital Council, San Francisco, CA, 2000 – 2001
Terabeam, Seattle, WA, 1998 – 2000
Douglas Engelbart Institute (formerly Bootstrap Alliance) Board of Directors, Hayward, CA, 1997 – Present
iCast Board of Directors, Los Gatos, CA, 1996 – 1998

LANGUAGES

Conversational knowledge of German, Swiss-German, and French