

THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MALIKIE INNOVATIONS LTD., KEY
PATENT INNOVATIONS LTD.,

Plaintiffs,

v.

NINTENDO CO., LTD. and
NINTENDO OF AMERICA INC.,

Defendants.

Civil Action No. 2:24-cv-01490

**DECLARATION OF DR. NATHANIEL POLISH
REGARDING CLAIM CONSTRUCTION OF
U.S. PATENT NO. 8,115,731**

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1 I, Nathaniel Polish, hereby declare as follows:

2 **I. BACKGROUND AND QUALIFICATIONS**

3 1. My CV is attached as **Exhibit A**. I have a Ph.D. in Computer Science from
4 Columbia University. I hold the following four degrees from Columbia, spanning the years 1980
5 to 1993:

- 6 • Ph.D. in Computer Science, May 1993;
- 7 • M.Phil. in Computer Science, December 1989;
- 8 • M.S. in Computer Science, December 1987; and
- 9 • B.A. in Physics, Columbia College, May 1984.

10 2. For over thirty years, I have run a computer technology development firm that I co-
11 founded, called Daedalus Technology Group. My primary business activity is the development of
12 computer-related products. This activity involves understanding the business objectives of
13 customers, designing products to suit their needs, and supervising the building, testing, and
14 deployment of these products. I develop hardware and software as well as supervise others who
15 do so.

16 3. Also, from time to time I have started other companies in order to pursue particular
17 product opportunities. Most of my business activity, however, is as a consulting product
18 developer. From time to time I have also served as an expert witness on computer and software-
19 related cases, which are listed in my CV.

20 4. From the mid-1990s through 2018, I developed a series of devices used for tracking
21 and monitoring Adelie penguins. The systems were deployed to Antarctica over the course of
22 more than 20 years. These systems contained sensors and signal processing systems that I
23 developed for the particular needs of the field study teams. I also developed many signal
24 processing systems to monitor and analyze the data collected in the field.

25 5. In 2019, I started a company called SuperAlert that develops, manufactures, and
26 deploys a wide variety of sensors used in large residential buildings. These sensors measure

1 temperature, vibration, light, humidity, and air composition amongst other things. Our software
2 both inside the sensors and at the remote servers analyze the returned data to detect anomalies in
3 the operation of the building systems.

4 **II. PREPARATION OF DECLARATION AND RETENTION**

5 6. I have been retained as an expert in this case by Nintendo Co., Ltd. and Nintendo
6 of America Inc. (“Defendants”). I have been asked to provide expert testimony regarding claim
7 construction, as discussed in more detail below.

8 7. I understand that Malikie Innovations Ltd. and Key Patent Innovations, Ltd.
9 (“Plaintiffs”) have asserted U.S. Patent No. 8,115,731 (the “’731 patent”) in this case.

10 8. For this declaration, I have been asked to analyze and opine on claim construction
11 related to a disputed term in this matter. This declaration sets forth my opinions and provides the
12 bases for my opinions regarding this disputed term.

13 9. I am being compensated my customary rate of \$750 per hour for my work related
14 to this case, plus reimbursement for expenses. My compensation is not dependent upon the
15 outcome of this case or any issue in this case.

16 10. In preparing this declaration, I have read or reviewed the following documents:

- 17 a. the ’731 patent, including its claims, specification, and prosecution history;
- 18 b. Plaintiffs’ complaint in this case;
- 19 c. the parties’ claim construction exchanges in this case.

20 11. I have also relied on my professional and academic experience in forming my
21 opinions. To the extent I become aware of further materials, I reserve the right to consider them
22 and to update my opinions in light of those materials.

23 **III. LEGAL PRINCIPLES**

24 12. My understanding is that determining patent infringement requires construction of
25 relevant terms that appear in the claims of a patent. I further understand that claim construction is
26 a legal question for the Court to determine, and that a patent’s claims define the alleged inventions

1 that the patentee is entitled to protect. I also understand that in construing a claim, the court
2 considers, among other things, how a person of ordinary skill in the art (POSITA) would have
3 understood the claim terms (at the time of the priority date of the patent) in the context of the entire
4 patent, including its claims and specification. I understand that other information may be relevant
5 to claim construction, such as the patent's prosecution history, and other sources such as
6 dictionaries and textbooks. I understand that, as part of the claim-construction process, the Court
7 may consider the testimony of experts both to assist the Court in understanding the relevant
8 technology and in determining how one of ordinary skill in the art would understand specific claim
9 terms.

10 13. I understand that patent claims define the scope of the patented invention, and they
11 must be definite in that they must particularly point out and distinctly claim the invention. I
12 understand that a patent must be precise enough to afford clear notice to the public of what is
13 claimed, so as not to create a zone of uncertainty where enterprise and experimentation may enter
14 only at the risk of infringement claims. I understand that a claim is definite if its boundaries, or
15 "scope," can be ascertained by a person of skill in the art with reasonable certainty, and that a
16 claim is invalid for being "indefinite" if it does not comply with this requirement. For example, I
17 understand if a POSITA would not have had any standard for evaluating the scope of a claim, then
18 it is indefinite. I also understand that a patent claim can be indefinite as to its full scope, even if
19 there is a certain part of its scope as to which it is definite.

20 **IV. DEFINITION OF "PERSON OF ORDINARY SKILL IN THE ART"**

21 14. For purposes of assessing the level of skill necessary to understand the technology
22 disclosed in the '731 patent, and based on my experience, it is my opinion that a POSITA at the
23 time of the alleged invention of the '731 patent would have possessed a Bachelor's degree in
24 software engineering, electrical engineering, or a similar degree, with two to three years of
25 practical experience designing systems that use spatial sensors, including to detect position and
26 orientation. A person could also have qualified as a POSITA with a combination of (1) more

1 formal education and less technical experience, or (2) less formal education and more technical or
2 professional experience.

3 15. Although my academic and professional background exceeds that of a POSITA as
4 defined above, my analysis and opinions are based on the perspective of a POSITA as of the
5 alleged priority date of the '731 patent.

6 16. The analysis and opinions in my declaration would not change if a somewhat
7 different POSITA definition (*e.g.*, with less or more academic or professional experience) were
8 applied.

9 **V. '731 PATENT**

10 17. I understand that U.S. Patent No. 8,115,731 was filed on October 3, 2005 and
11 granted on February 14, 2012. I also understand that Plaintiffs are asserting that the priority date
12 of the '731 patent is July 9, 2001. I will assume the asserted priority date of July 9, 2001 for
13 purposes of my analysis, but I express no opinion at this time as to whether the '731 patent is
14 entitled to that priority date.

15 18. I understand that Plaintiffs are asserting claim 1 of the '731 patent in this case. The
16 language of claim 1 is reproduced below, with emphasis added as to the claim language I discuss
17 below:

18 1. A handheld computing device, comprising:
19 a display;
20 an internally located directional input device providing a
21 directional input signal, the directional input signal corresponding
22 to an axis of inclination of the handheld computing device and
indicating **an orientation**;
23 a second directional input device providing a second directional
24 input signal, the second directional input signal indicating an
amount of displacement;
25 a processor coupled to the internally located directional input
26 device and the second directional input device and operable to
receive and process the directional input signal in conjunction with
the second directional input signal; and

1 a memory subsystem, the memory storing an operating system
2 executed by the processor to display on the display a graphical user
3 interface for controlling the operation of the handheld computing
4 device, wherein the graphical user interface provides a graphical
5 element;

6 wherein the operating system comprises processor-executable
7 instructions that cause the graphical element to move by the
8 amount of displacement in **a direction substantially parallel or**
9 **substantially perpendicular to the orientation.**

10 ('731 patent, claim 1 (emphasis added).) I understand that Plaintiffs are asserting other claims of
11 the '731 patent in this case, which all depend from claim 1.

12 19. Claim 1 of the '731 patent recites an electronic device that detects "an orientation"
13 via "an internally located directional input device" and "an amount of displacement" via a "second
14 directional input device." Claim 1 further recites a processor that "receive[s] and process[es]"
15 signals from the directional input devices and a memory storing an operating system that can
16 "display a graphical user interface," including a "graphical element." Claim 1 further recites that
17 the operating system causes the graphical element to "move by the amount of displacement in a
18 direction substantially parallel or substantially perpendicular to the orientation." As I discuss
19 below, it is my opinion that a POSITA would not have had any basis for evaluating what constitutes
20 "a direction substantially parallel or substantially perpendicular to the orientation" as to its full
21 scope. Accordingly, in my opinion, claim 1 of the '731 patent is indefinite when considered as to
22 its full scope.

23 **VI. "A DIRECTION SUBSTANTIALLY PARALLEL OR SUBSTANTIALLY**
24 **PERPENDICULAR TO THE ORIENTATION"**

25 20. Claim 1 of the '731 patent includes the requirement that "the operating system
26 comprises processor-executable instructions that cause the graphical element to move by the
amount of displacement in **a direction substantially parallel or substantially perpendicular to**
the orientation." ('731 patent, claim 1 (emphasis added).) As I discussed above, this claim
language pertains to the relationship and the extent of correspondence between (1) orientation and

1 displacement detected by “directional input devices” and (2) the motion of a “graphical element”
2 in a graphical user interface.

3 21. It is my opinion that claim 1 is invalid as indefinite because a POSITA would not
4 have had reasonable certainty as to when a direction is “substantially parallel or substantially
5 perpendicular to the orientation.” In my view, this claim language is indefinite on multiple
6 levels—both as to (1) the “substantially parallel or substantially perpendicular” language and
7 (2) the “orientation” language. I discuss deficiencies as to each of these phrases below.

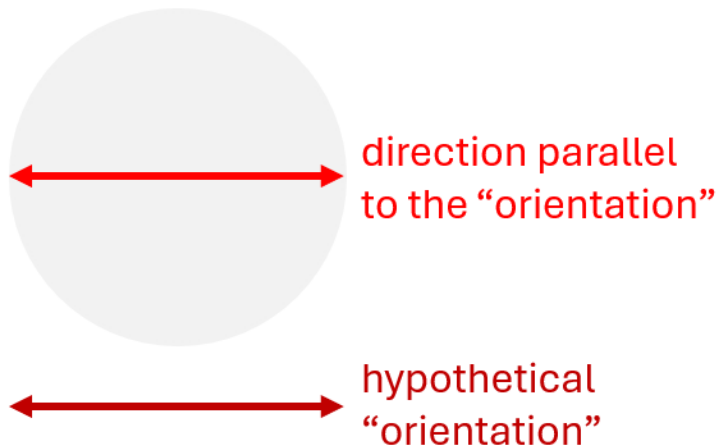
8 **A. “substantially parallel or substantially perpendicular”**

9 22. In my opinion, a POSITA would not have any standard for evaluating when a
10 direction is “substantially parallel or substantially perpendicular to the orientation,” when
11 considering the full scope of the claim language. For example, I have provided a demonstrative
12 diagram below with a hypothetical “orientation.”¹

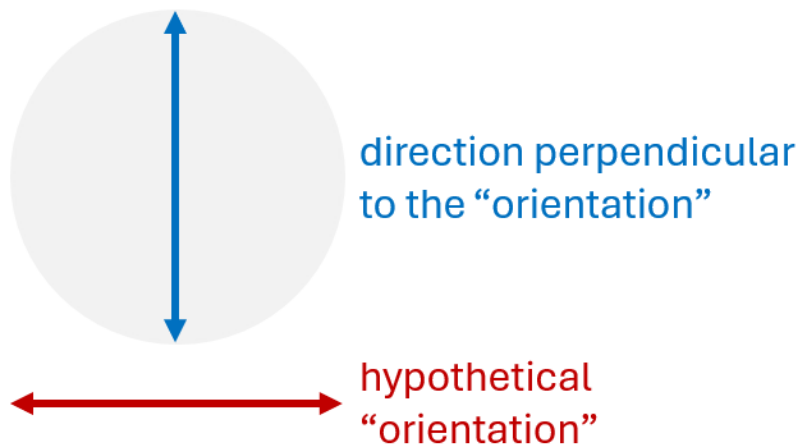


14
15
16 23. A POSITA would have understood when a direction is “parallel” to this
17 hypothetical “orientation,” as shown in the demonstrative diagram below:

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24
25 ¹ I am assuming in this analysis that a POSITA would have any standard for determining the claimed “orientation.”
26 However, as I discuss below, a POSITA would *not* have had such an understanding in my opinion, at least as to the full scope of the claim language.

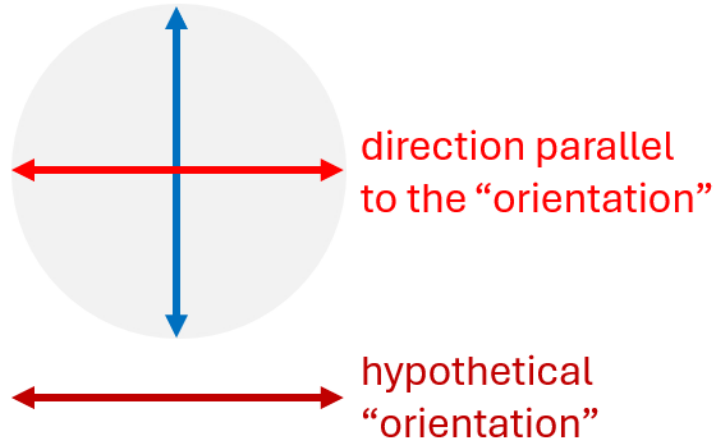


24. A POSITA would have also understood when a direction is “perpendicular” to this hypothetical “orientation,” as shown in the demonstrative diagram below:



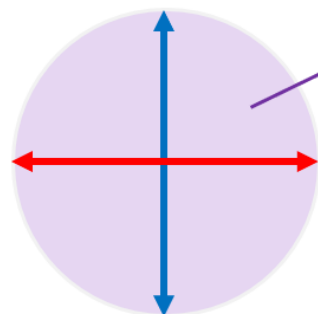
25. Accordingly, a POSITA would have understood and had a standard for evaluating the claim language “a direction substantially parallel or substantially perpendicular to the orientation” within the subset of claim scope demonstrated in the following demonstrative diagram—i.e., where a direction is “substantially parallel or substantially perpendicular to the orientation”:

1 direction perpendicular
2 to the “orientation”



11 26. However, within the full scope of the claim language—“a direction **substantially**
12 parallel or **substantially** perpendicular to the orientation”—a POSITA would not have had any
13 standard for evaluating whether a direction satisfied that claim language, assuming a hypothetical
14 “**orientation**.” For example, a POSITA would not have had any standard for evaluating what
15 direction(s) in the purple region in the below demonstrative diagram (*i.e.*, the set of all directions
16 other than those **parallel** or **perpendicular** to this “**orientation**”) would have satisfied the claim
17 language:

direction perpendicular
to the “orientation”

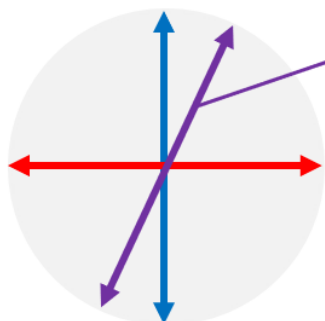


direction parallel
to the “orientation”

hypothetical
“orientation”

27. For example, in the below diagram, I have included an arbitrary direction. A POSITA would have no standard for evaluating whether this direction is “substantially parallel or substantially perpendicular” to the hypothetical “orientation”:

direction perpendicular
to the “orientation”



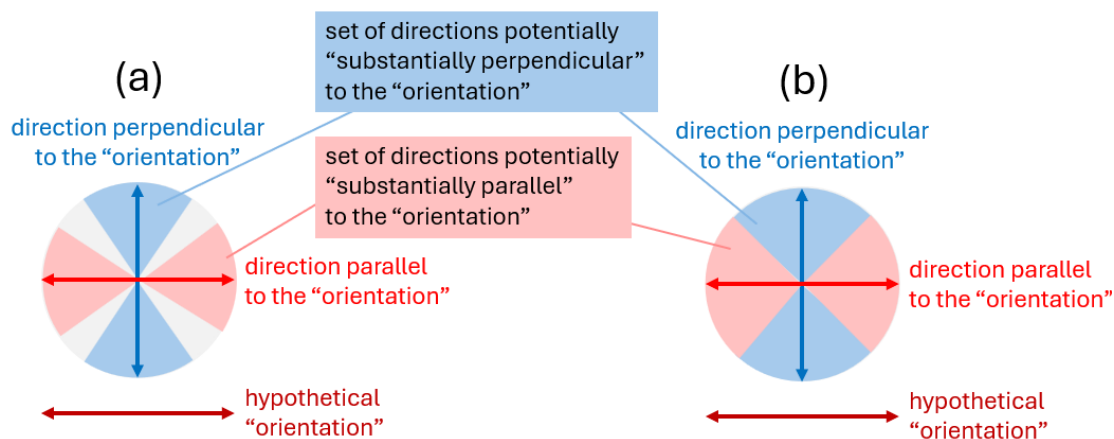
direction parallel
to the “orientation”

hypothetical
“orientation”

It is my opinion that for any arbitrary direction outside of those parallel or perpendicular to the hypothetical “orientation” (*i.e.*, not just the arbitrary direction shown in the demonstrative diagram

above), a POSITA would not have any standard for evaluating whether that direction is “substantially parallel or substantially perpendicular to the orientation.”

28. For a POSITA, the lines of what constitutes “substantially parallel or substantially perpendicular” could be drawn anywhere within the set of directions relative to the hypothetical “orientation.” For example, the following demonstrative diagrams (a) and (b) show (in blue and red highlighting) two distinct examples of what to a POSITA could represent directions that are “substantially parallel or substantially perpendicular to the orientation”:



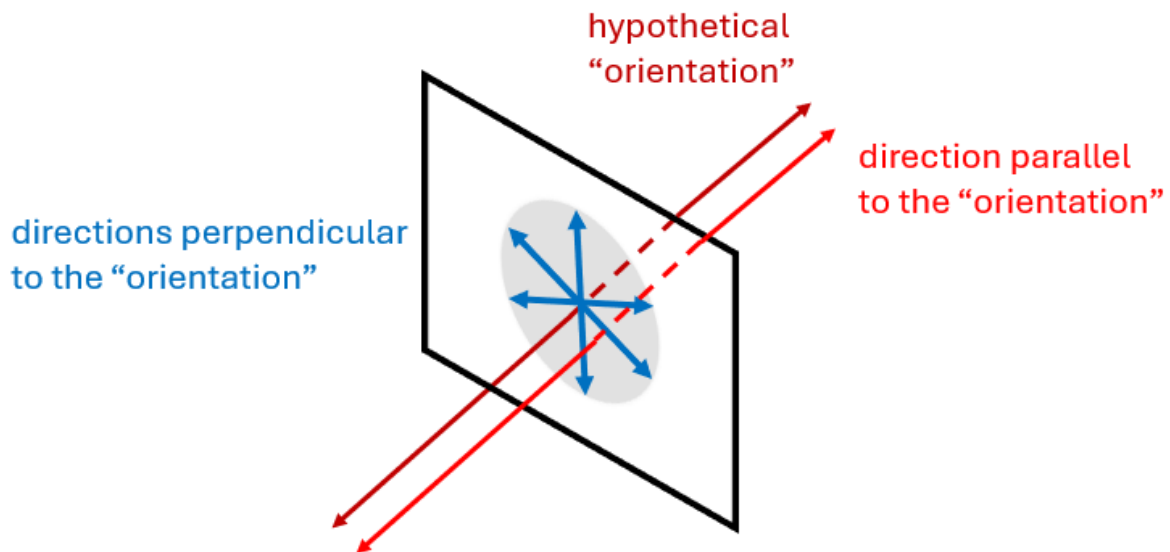
29. As shown in diagram (b) above, a POSITA would have understood that the set of directions “substantially parallel or substantially perpendicular to the orientation” could cover the entire set of directions relative to the hypothetical “orientation.” Accordingly, a POSITA would have no standard for evaluating whether the claim language “a direction substantially parallel or substantially perpendicular to the orientation” is a limitation at all, or whether it would be satisfied by *any* direction (and therefore not a limitation at all).

30. To a POSITA, the scope of the term “substantially parallel or substantially perpendicular to the orientation” would have been highly application dependent. The claim language “substantially parallel or substantially perpendicular to the orientation” would have a different scope to a POSITA depending on whether or not the application context placed substantial importance on precision (*e.g.*, requiring near-exact sensing of orientation). In highly

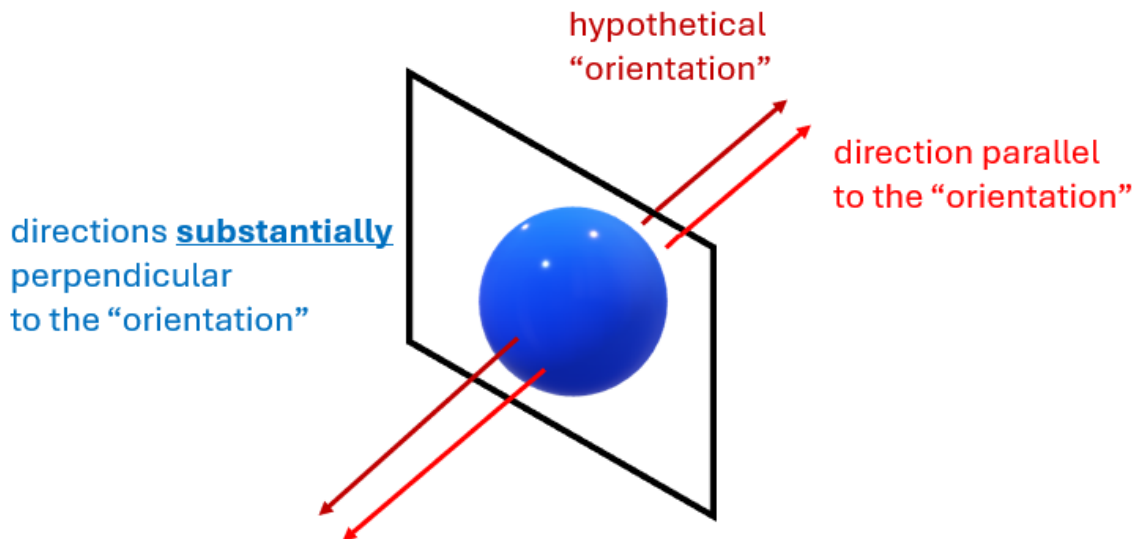
1 precise application contexts, a POSITA would have understood “substantially parallel or
2 substantially perpendicular to the orientation” to encompass only a relatively narrow set of
3 directions. In less precise application contexts, a POSITA would have understood that
4 “substantially parallel or substantially perpendicular to the orientation” encompasses a broader set
5 of directions. Since the ’731 patent does not identify an application context or other standard of
6 precision, a POSITA would have understood the “substantially parallel or substantially
7 perpendicular to the orientation” claim language to be highly subjective.

8 31. Based on the fact that a POSITA would have lacked any standard for determining
9 the set of directions that are “substantially parallel or substantially perpendicular to the
10 orientation,” it is my opinion that claim 1 of the ’731 patent does not provide clear notice to the
11 public. Rather, it creates a zone of uncertainty in the area of motion tracking technology in which
12 a POSITA would not have understood where the scope of the claim ends. I understand that such
13 circumstances indicate that the claim 1 of the ’731 patent is indefinite.

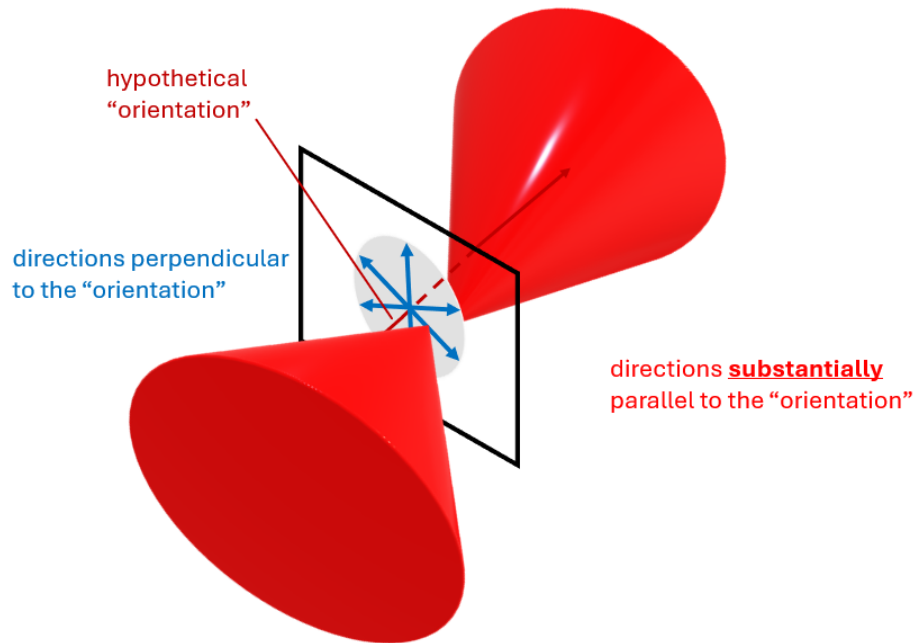
14 32. My discussion in the preceding paragraphs is limited to orientation in two
15 dimensions. However, the ’731 patent discusses motion and orientation tracking in up to three
16 dimensions. (*E.g.*, ’731 patent, 1:56-58 (“devices for tracking three dimensional input”), 3:46-48
17 (“multidimensional input”).) The lack of standard for the “direction substantially parallel or
18 substantially perpendicular to the orientation” language is only more pronounced in the context of
19 three-dimensional orientation tracking, where the set of directions that a POSITA would consider
20 potentially to be within the scope of “substantially parallel or substantially perpendicular to the
21 orientation” is multiplied as compared to the two-dimensional context. For example, the below
22 diagram depicts the directions **parallel** and **perpendicular** to a **hypothetical “orientation”** (displayed
23 here with the assumption that corresponds to the “axis of inclination” of a device, as discussed
24 below).



33. Example directions substantially "perpendicular" to the hypothetical "orientation" are depicted below, consisting of some undetermined subset of the sphere. A POSITA would not have understood what portion of this sphere constitutes the set of "substantially perpendicular" directions:



1 34. Example directions substantially “parallel” to the hypothetical orientation” are
2 depicted below, consisting of a cone of some undetermined size. Again, a POSITA would not
3 have understood what size of cones constitute the set of “substantially parallel” directions:



15 35. The specification of the '731 patent does not provide any standard for what
16 constitutes “a direction substantially parallel or substantially perpendicular to the orientation.” The
17 only use of the words “substantially,” “parallel,” or “perpendicular” in the specification of the '731
18 patent is simply recitation of the claim language with no disclosure of what constitutes a
19 “substantially parallel” or “substantially perpendicular” direction. ('731 patent, 8:53-56 (“a
20 direction substantially perpendicular to”), 8:62-65 (“a direction substantially parallel to”).)
21 Neither the specification nor claims provide objective certainty to a POSITA of what the terms
22 “substantially parallel or substantially perpendicular to the orientation” mean.

23 36. One embodiment discussed in the '731 patent specification is the one shown in
24 Figures 4 and 5 of the '731 patent. In this embodiment, orientation is determined based on the
25 movement of a ball, which completes different circuits as the orientation changes. ('731 patent,
26

1 Figs. 4-5, 7:26-48.) Figures 4 and 5 of the '731 patent would not have provided a POSITA with
2 any standard for determining what constitutes “a direction substantially parallel or substantially
3 perpendicular to the orientation.” There is no indication in the '731 patent that any set of directions
4 in the context of this embodiment constitutes a set of directions “substantially parallel or
5 substantially perpendicular to the orientation.” Furthermore, the '731 patent indicates that the
6 embodiment shown in Figures 4 and 5 is only one example of orientation sensors per its claims.
7 (*Id.*, 7:49-59 (“Although not expressly shown in the Figs., many alternative sensors are compatible
8 with the method, such as a solid state compass or gyroscope which senses orientation with respect
9 to magnetic north, or a pendulum such as a tine pendulum, a micro saucer, or a solid state memory
10 device.”); *see also id.*, claim 2 (dependent claim to claim 1 reciting a “directional input device”
11 comprising, *e.g.*, “circuit closing means”).)

12 37. Due to the lack of standard a POSITA would have had in determining what
13 constitutes “a direction substantially parallel or substantially perpendicular to the orientation,” it
14 is my opinion that claim 1 of the '731 patent is indefinite as to its full scope. Within the limited
15 claim scope where the claimed direction is “~~substantially parallel or substantially~~ perpendicular to
16 the orientation,” it is my opinion that the claim language is definite (subject to my discussion of
17 the “orientation” term below).

18 **B. “the orientation”**

19 38. Furthermore, a POSITA would not have had reasonable certainty as to what could
20 satisfy the claimed “orientation” as to its full scope—let alone what is “substantially parallel or
21 substantially perpendicular” to that orientation.

22 39. The antecedent basis for the term “orientation” is provided by the following
23 language in claim 1 of the '731 patent: “an internally located directional input device providing a
24 directional input signal, the directional input signal corresponding to an axis of inclination of the
25 handheld computing device and indicating an orientation[.]” ('731 patent, claim 1 (emphasis
26

1 added.) A POSITA would have had no standard for determining the limits of what could
2 constitute this “orientation.”

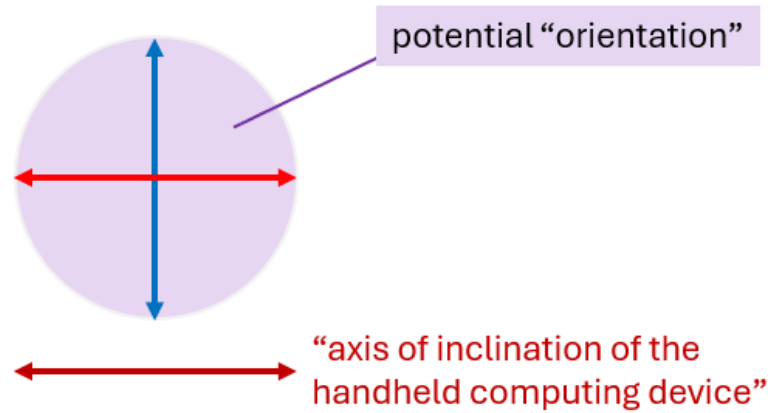
3 40. For example, there is no indication of *what* this orientation relates to. The claim
4 language does not indicate whether this is an orientation of the claimed “handheld computing
5 device” or something else. The claim language indicates that the “directional input signal
6 correspond[s] to an axis of inclination of the handheld computing device” and also that the
7 directional input signal “indicat[es] an orientation.” (’731 patent, claim 1.) But there is
8 no indication in the claims that the “orientation” is related in any way to the “axis of inclination”
9 or the “handheld computing device.” Accordingly, a POSITA would not have had reasonable
10 certainty for determining what this orientation relates to.

11 41. Furthermore, even if it were assumed that the claimed “orientation” is the
12 orientation of the “axis of inclination of the handheld computing device,” a POSITA would not
13 have had any standard for evaluating what constitutes the “orientation” of the “axis of inclination
14 of the handheld computing device.” For example, a POSITA would not have understood how the
15 “orientation” is defined with respect to the “axis of inclination of the handheld computing device.”
16 The below demonstrative diagram shows a hypothetical “axis of inclination of the handheld
17 computing device”:

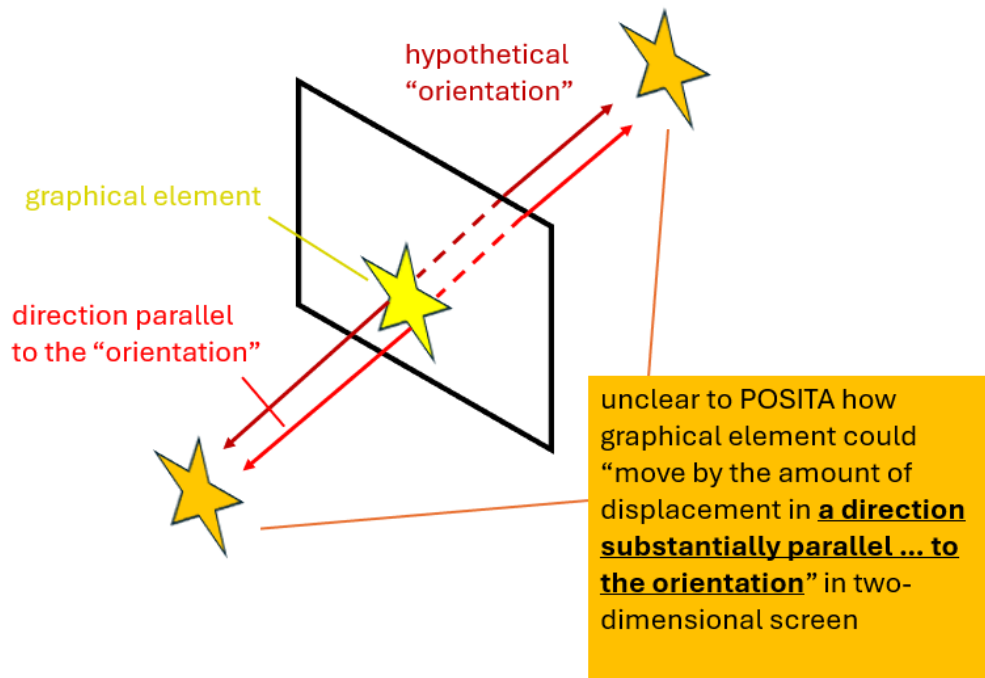


21 42. Given the above hypothetical “axis of inclination of the handheld computing
22 device,” there is no recited relationship between the “orientation” and the “axis of inclination of
23 the handheld device.” In other words, the “orientation” could be any direction under the claim
24 language—covering the full purple area in the below diagram (including orientations parallel to
25
26

and perpendicular to the axis of inclination). A POSITA would have no standard for determining how the “orientation” relates to the “axis of inclination of the handheld computing device.”



43. Furthermore, it would have been unclear to a POSITA how a graphical element could move perpendicular to an electronic device including a two-dimensional display, since this would require moving the graphical element into or out of the display.



1 44. Since a POSITA would not have had reasonable certainty regarding the claimed
2 “orientation,” claim 1 of the ’731 patent fails to provide clear notice to the public of what is
3 allegedly infringing. As a result, claim 1 of the ’731 patent would have created an impermissible
4 zone of uncertainty over the scope of the claim. For example, not knowing what the orientation
5 refers to (*i.e.*, the orientation of *what*) would have been confusing to a POSITA. Furthermore,
6 even if there were any indication that the orientation in question is that of the “handheld computing
7 device,” a POSITA would not have understood how that orientation is related to the handheld
8 computing device.

9 45. The only scope within which a POSITA would have had reasonable certainty as to
10 the “orientation” claim language is where the “orientation” is the orientation of the “axis of
11 inclination of the handheld computing device.” In other words, claim 1 is definite in my opinion
12 only as to the scope where the “orientation” refers to the orientation of the “axis of inclination of
13 the handheld computing device.”

14 46. Since the full scope of the “orientation” recited by claim 1 is not limited to the scope
15 discussed above in which the claim is definite in my opinion, and a POSITA would not have had
16 reasonable certainty for determining the full scope of what constitutes an “orientation” per claim 1,
17 it is my opinion that this constitutes a further reason (in addition to the deficiencies with the
18 language “substantially parallel or substantially perpendicular” I discussed above) why claim 1 of
19 the ’731 patent is indefinite.

20 **VII. RIGHT TO RESPOND**

21 47. I reserve the right to respond or rebut any argument and/or evidence submitted by
22 Plaintiffs, including any expert declaration or report (whether any opening declaration/report or
23 any declaration/report purporting to rebut my statements herein), or with respect to any other
24 statements within my field of expertise. I further reserve the right to amend or supplement my
25 opinions based on additional information or developments in the case.

26 I declare under penalty of perjury that the foregoing statements are true and accurate.

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Dated: August 6, 2025



Nathaniel Polish

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and forgoing document has been caused to be served on the following via electronic mail on August 6, 2025:

Roger M. Townsend Roger@townsendlegal.com docket@townsendlegal.com ann@townsendlegal.com Townsend Legal Corp. 380 Winslow Way, Suite 200 Bainbridge Island, WA 981110 Telephone: 206-761-2480 <i>Attorneys for Plaintiffs Malikie Innovations Ltd. and Key Patent Innovations Ltd.</i>	Matthew G. Berkowitz mberkowitz@reichmanjorgensen.com Yue (Joy) Wang ywang@reichmanjorgensen.com Michelle Carr Quintana mquintana@reichmanjorgensen.com Michael Polka mpolka@reichmanjorgensen.com Reichman Jorgensen Lehman & Feldberg LLP 100 Marine Parkway, Suite 300 Redwood Shores, California 94065 Telephone: (650) 623-1401 <i>Attorneys for Plaintiffs Malikie Innovations Ltd. and Key Patent Innovations Ltd.</i>
Khue Hoang khoang@reichmanjorgensen.com Patrick Colsher pcolsher@reichmanjorgensen.com Reichman Jorgensen Lehman & Feldberg LLP 400 Madison Avenue, Suite 14D New York, NY 10017 Telephone: (212) 381-1965 <i>Attorneys for Plaintiffs Malikie Innovations Ltd. and Key Patent Innovations Ltd.</i>	Taylor N. Mauze tmauze@reichmanjorgensen.com Reichman Jorgensen Lehman & Feldberg LLP 515 Congress Avenue, Suite 1900 Austin, TX 78701 Telephone: (650) 623-1401 <i>Attorneys for Plaintiffs Malikie Innovations Ltd. and Key Patent Innovations Ltd.</i>

/s/ Dena Chen

EXHIBIT A

NATHANIEL POLISH, Ph.D.
Daedalus Technology Group, Inc.
350 Seventh Avenue
New York, NY 10001
(212) 684-3890

business experience

2019-present	President, Founder SuperAlert, Inc. SuperAlert has developed a range of wireless sensors used for monitoring building systems in large New York City residential buildings. SuperAlert manufactures, deploys, and operates sensor suites and generates notifications and alerts for building personnel and owners.	NEW YORK, NY
1980-present	President Daedalus Technology Group, Inc. Successor to NPS ASSOCIATES Co-founded computer consulting firm. Employs up to twenty people as needed.	NEW YORK, NY
clients include	Intellectual Property Consulting. Various anonymous clients.	NEW YORK, NY
	Consulting on patent valuation and strategy: Act as an advisor on technical and intellectual property matters to various clients. Developed intellectual property for various companies. 2001- present.	
	SpokenHub.	NEW YORK, NY
	Predictive dialer deployment and operation: During the 2012 election cycle assembled and ran a team of engineers to deploy, debug, and operate a large scale outbound calling server farm. This server farm supported hundreds of agents and millions of minutes of calling. 2012.	
	Risk Solutions International.	NEW YORK, NY
	Risk management: Developed technology platform to allow for complex question and answer sessions with airport managers. The results of the sessions then generated planning documents used in risk management. Results were published as part of a Transportation Research Board research program. 2011-2013.	
	Smart Systems/Specialty Acquirer.	NEW YORK, NY
	Advanced Transit fare collection: Founding member of board of directors. Advisor on technical and intellectual property matters. Developed intellectual property for the company. The company is engaged in the development and sale of advanced fare collection systems for mass transit using RFID technologies. 2004-present.	
	Skywi.	FORT WORTH, TX
	Wireless broadband: Founding board of directors member. Advisor on technical and intellectual property matters. The company provides a variety of wireless broadband services to semi-rural customers using mesh networks. 2004-2009	
	Placecorp.	NEW YORK, NY
	Wireless text messaging system: Designed and developed a very large scale, multi-platform text messaging system. Acted as the lead technologist for a startup. In this capacity attended many venture capital meetings and developed all technical sections to the business plans. The system integrated advanced Interactive Voice Response (IVR) with email, paging, and SMS messaging. Oversaw and planned initial development of very small paging device to be manufactured in very high volume. 2000-2001.	
	Marketboy.	NEW YORK, NY
	Distributed market making system: Provided a range of services in the areas of product definition, specification, and implementation strategy. Marketboy was a distributed system that allowed prospective purchasers and vendors to make bids and ask offers for proposed transactions. 2000.	
	Savos.	NEW YORK, NY
	Telephone to streaming audio bridge: Developed, designed and deployed an industrial strength IVR system that allows users to access streaming media via their cell phones. The system supports up to 96 streams on a single chassis. Developed web based content management system and interface for customizable user preferences. 2000.	

deliverENow.

NEW YORK, NY

Online delivery system: Developed a proof of concept prototype of online delivery system. This consisted of a stock clerk server written for Windows CE (Clio) with a CDPD network connection. It demonstrated how purchase and delivery information would be sent to an in-store stock person who prepares them for pickup by a member of the deliverENow courier network. Provided strategic technical advice. Served on board of advisors. Wrote technical specification of business and logistical components of the system. 2000.

Togglethis.

NEW YORK, NY

Animation distribution system: Developed critical components of initial version of email-delivered animation system. Components included MacroMedia Director Xtras as well as encryption functions. Developed tools to distribute and manage Togglethis's content, DTG built a custom UNIX email list-server. This server allowed Toggle administrators to create groups, upload episodes, and schedule the delivery of their content. Developed system architecture and language specification for the next version of the IC Engine, which drives the characters. 1998-1999.

JuniorNet.

BOSTON, MA

Children's on-line service: Designed, developed and lead the implementation of a large scale network system for delivery of children's entertainment and education content. Worked with the president and other key players to fit a technology strategy to corporate goals. System is required to serve from 200,000 to 1,000,000 subscribers and be supportable over three to five years. All project goals met within a \$1,000,000+ budget. 1997-2000.

One Click Charge.

NEW YORK, NY

Provide a wide range of consulting services starting with technology evaluation for the principal investor. Provided services in the areas of product definition, team formation and implementation strategy. Developed significant components of a substantial Internet micropayment and authentication system. 1998-2000.

Swatch.

WEEHAWKEN, NJ

Ticketing system: Implemented a radio frequency identification (RFID) based system for providing access to the 1998 Goodwill Games utilizing RFID tagged wristwatches. 1998-1999.

Instant Video Technologies, Inc./Burst.com

SAN FRANCISCO, CA

Burstware: Designed and developed a series of products to deliver digital video and audio materials over wide-area internet using consumer grade computers. Products were designed to fit within the client's existing patent portfolio. 1995-1997.

Technical evaluation: Provided technology strategy and evaluation services and acted as Technology Director. 1995-1997.

Assurenet.

BETHESDA, MD

Internet Insurance system: Designed and developed a system for utilization of the Internet for the distribution and control of insurance agent support software. System can handle tens of thousands of simultaneous users. Member of Board of Directors. 1995-2002.

New Zealand Antarctic Project (NZAP) and US Antarctic Program (USAP).

ANTARCTICA

Penguin Weighbridge: Designed, developed, and deployed system for tracking the comings and goings, weights, and Ids of Adelie penguins in their natural environment on three colonies on Ross Island, Antarctica. Systems run continuously for months in adverse conditions. System was upgraded and replaced in 2016. 1994-present.

Electronic Digital Documents, Inc.

NEW YORK, NY

Check Image Compression system: 1995-1999.

American Veterinary Identification Devices, Inc.

NORCO, CA

AVID reader: Designed and developed digital computer components of radio frequency identification system. Work involved imbedded microcontrollers and real-time digital signal processing in very noisy environment. Designed communications protocols including encryption and error checking schemes. Product in high volume (50,000 unit) production. 1988-1995.

Amprobe Instrument, Inc.

LONG ISLAND, NY

REMCON tester: Designed and implemented product life-cycle test fixture for a new and innovative solid state switch. Test fixture used by Underwriters Labs for approval. 1988.

Personal Computer Card Corporation

NEW YORK, NY

Smart Cards: Designed smart card reader/writer system. Performed general design and component selection and wrote software for smart card communications. System design implemented in commercial product. 1987.

The Dun & Bradstreet Corporation

NEW YORK, NY

Voice editing systems: Designed and built all parts of four generations of interactive voice editing systems. Editing systems produce output used in extensive, high quality speech synthesis system that is part of larger information delivery system. The systems are built on networks of computers in a variety of programming languages and systems. The system involved interactive user interfaces, screen windows, signal processing, and voice file systems. 1982-1991.

1997-2001

Co-Founder, Director and CTO

I-RECALL, INC.

NEW YORK, NY

Co-founded a company that developed software to enable note-taking and linking of notes to streaming media. Used platforms such as PalmPilot and CrossPad for note-taking and provided time-stamped links to audio and video media. Company sold to a focus group company.

1996-1999

Co-Founder, Director, CTO & Principal Product Designer

SOLILOQUY, INC.

NEW YORK, NY

Natural language interfaces to databases: Co-founded in 1996 a company to provide next generation interfaces to structured databases. Developed prototype system using speech recognition and speech synthesis to provide access to music and ecommerce databases. Raised \$1.5 million in angel investments. Company has raised a total of \$8 million through a variety of institutional and individual investors. Hired replacement CTO and exited company in 1999.

1991-1992

President & Principal Product Designer

SIMPLICITY COMPUTING, INC.

NEW YORK, NY

Co-founded in 1991 a computer peripherals manufacturing company concentrating on portable products with international mass-market appeal. Main product: Simplicity Portable Drive, an IBMPC parallel port connected, portable disk storage system. Marketed domestically and in 25+ countries. Products marketed direct via telemarketers, trade shows, sales reps, and national advertising. Products distributed through dealers, distributors and national catalog houses. Company employed 10 people.

- Wrote business plan and raised \$350,000 startup funding
- Established marketing plans
- Directed marketing of products in trade shows, national advertisements and focus groups
- Managed employees
- Designed hardware and software for products
- Supervised hardware & software implementation teams
- First units shipped less than six months from start of project
- Supervised all aspects of manufacturing and testing process
- Contracted with four manufacturing facilities and many suppliers for production
- Supervised and established call-in customer support services

1989-1999

President & CEO

MEASUREMENT & CONTROL PRODUCTS, INC.

NEW YORK, NY

Founded in August 1989 an electronic products development company. M&CP designs, develops, markets and sells its own products through retail, wholesale and catalog channels domestically and abroad. All manufacturing is contracted. Company was profitable in its first year of operation.

Flagship product:

BitView: Hand held RS-232 data communications diagnostic monitor. Invented, developed and produced hardware and software. Developed and oversaw implementation of marketing strategies, budgets, and business plans. Product currently in third production run.

education

1980-1993

COLUMBIA UNIVERSITY

NEW YORK, NY

Ph.D. in Computer Science, May 1993.

Thesis: *Mixed Distance Measures for the Optimization of Concatenative Vocabularies in Speech Synthesis.*

MPhil in Computer Science, December 1989.

MS in Computer Science, December 1987.

BA in Physics, Columbia College, May 1984.

teaching positions

1997

COLUMBIA UNIVERSITY

NEW YORK, NY

Adjunct Professor, Computer Science.

Advanced undergraduate course: Artificial Intelligence.

1989

COLUMBIA UNIVERSITY

NEW YORK, NY

Graduate Lecturer, Computer Science.

Advanced undergraduate course: Software Design. Taught 68 advanced undergraduates. Supervised two teaching assistants.

Students implemented full spreadsheet application under UNIX.

1984-1985

CITY UNIVERSITY OF NEW YORK

NEW YORK, NY

Adjunct Professor, Experimental Psychology.

Graduate-level course: Computer Methods in Experimental Psychology.

publications and patents

- 2024** Beth Polish, Nathaniel Polish, Seth Godin, and Robert Gehorsam. Real-time event and participant communication systems. United States Patent 11,962,628. April 16, 2024.
- 2022** Nathaniel Polish. Calibration apparatus and method. United States Patent 11,215,499. January 4, 2022.
- 2016** Michael L. Beigel, Nathaniel Polish, Steven R. Frank, and Robert E. Malm. Electronic identification system with improved sensitivity. United States Patent 9,430,728. August 30, 2016.
- 2010** Michael L. Beigel, Nathaniel Polish, Steven R. Frank, and Robert E. Malm. Electronic Identification System with Improved Sensitivity. United States Patent 7,737,821B2. June 15, 2010.
- 2009** Martin Silbernagl and Nathaniel Polish. Learning Fare Collection System for Mass Transit. United States Patent 7,568,617. August 4, 2009.
- 2009** Martin Silbernagl and Nathaniel Polish. Learning Fare Collection System for Mass Transit. United States Patent 7,566,003. July 28, 2009.
- 2009** Michael L. Beigel, Nathaniel Polish, Steven R. Frank, and Robert E. Malm. Electronic identification system with improved sensitivity. United States Patent 6,472,975. October 29, 2002.
- 2002** Nathaniel Polish. Bilateral speech system. Speech dialogs for database access. United States Patent 6,430,531. August 6, 2002.
- 1999** Nathaniel Polish. System and method for distributing and managing digital video information in a video distribution network. United States Patent 5,963,202. October 5, 1999.
- 1993** Michael L. Beigel, Nathaniel Polish and Robert E. Malm. Multi-Mode Identification System. Fundamental RFID technology. United States Patent 5,235,326. August 10, 1993.
- 1991** Nathaniel Polish. Mixed Distance Measures for Synthetic Speech Evaluation. In Proceedings of ICASSP-91, Toronto, Canada, 1991.
- 1988** Nathaniel Polish. A Distributed Signal Processing Facility for Speech Research. In Proceedings of AVIOS88, San Francisco, CA. October 4-6 1988.
- 1987** Nathaniel Polish. Mixed Distance Measures for Optimizing Concatenative Vocabularies for Speech Synthesis: A Thesis Proposal. Columbia University Department of Computer Science technical report number CUCS-310-87, 1987.
- 1983** M. Morris, N. Polish, B. Zuckerman, and N. Kaifu. The Temperature of Molecular Gas in the Galactic Center Region. The Astronomical Journal, 88(8):1228-1235, August 1983.

research interests	Computer Speech, Distributed Systems, Interactive Environments. Software Engineering, Systems Engineering, Technology Policy. Knowledge-Based Approaches to Signal Processing. Computational Physics, Non-Linear Dynamics.
professional societies	International Society for Electrical and Electronics Engineers (IEEE), Association of Computing Machinery (ACM), American Association for the Advancement of Science (AAAS).
other interests	Foreign Policy, Political Science, Long Distance Bicycling, United States Space Program.
grants	• AT&T Special Projects Grant of \$25,000 for synthetic speech, 1986. • Financial support for Ph.D. work was provided by the New York State Science and Technology Foundation Center for Advanced Technology in Computers and Information Systems at Columbia University. • Santa Fe Institute Complex Systems Summer School, 2003. Month-long workshop in agent-based models, non-linear systems, and complexity.
1982-present	Technology development projects Some technology development projects have included: Wildlife Tracking Systems: Implemented a remote monitoring system to track and weigh Adelie penguins on Ross Island, Antarctica. System was debugged on-site and made to function in adverse environmental circumstances. 1994-1997, 2016. Internet Systems: Implemented a LINUX Internet server with FTP and gopher services. Installed an Internet client for IBM/PC platform. 1994-1995. Image Compression Technology: Developed proof-of-concept system for a system to compress images of checks to very small file size. 1994. Biomedical Systems: Implemented a large biomedical system used in patient diagnostics. Provided all necessary materials for Food and Drug Administration compliance. 1992-1993. Synthetic Speech Systems: Implemented and supported several generations of synthetic speech systems for commercial as well as research purposes. 1985-1999. Graphics: Developed high-speed drivers for several graphical devices and evaluated their applicability for interactive uses. Devices included: Vectrix, RAMTEK, Apple Lisa, and IBM Enhanced Graphic Adapter. 1983-1987. Voice Boards: Specified function requirements for several generations of high quality voice boards for Q-bus (PDP-11), Apple, MultiBus, and IBMPC bus. Developed high-speed drivers for each of the boards. 1982-1986. Video Disk and Touch Screens: Developed experimental interactive system utilizing computer controlled video disks and touch screens. 1982.
1994-present	Intellectual property projects A separate document detailing intellectual property projects is available on request.
tools	Languages commonly used: - Pascal 1980-1988 - C 1985-present. - Other languages used: C++, Lisp, Java and Python . Assembler: - Intel 8048, 8051, 8088-pentium - Motorola 680xx - TI 320xx signal processors - Zilog Z8, Z80, PIC Protocols include: - TCP/IP, UDP, RPC and NFS Operating systems commonly used: - UNIX, MSDOS, Windows and p-system. In circuit emulators. Database tools. ARM processors for embedded systems. I²C bus interfacing.
contact information	polish@dtgroup.com Office: (212) 684-3890 Academic and business references available upon request.



Nathaniel Polish, Ph.D. ♦ Daedalus Technology Group, Inc. ♦ polish@dtgroup.com

Summary of Experience in Intellectual Property Matters, as of March 2025

Date	Case and Jurisdiction	Work Product	Counsel, Nature of Case and Additional Notes
06/2024 - present	<i>Valerie Torres and Rhonda Hyman, individually and on behalf of all others similarly situated, v. Prudential Financial, Inc, Activeprospect, Inc., and Assurance IQ, LLC.</i> Case No. 3:22-cv-07465-CRB. In The United States District Court For The Northern District of California San Francisco Division	Declarations; deposition.	Retained by Munger, Tolles & Ollson LLP (contact: Grace Davis-Fisher) representing Prudential. This is a class action related to alleged wire-tapping in connection with software to document user actions on a website. Case is ongoing.
07/2023 - 03/2025	Motorola Solutions, Inc. Petitioner v. STA Group LLC. Case IPR2023-01295, US Patent 8,994,830 B2. United States Patent and Trademark Office.	Declaration in support of invalidity in the context of an IPR, deposition.	Retained by Baker Botts (contact: Katharine Burke) representing Motorola. This is an IPR related to a patent concerning mobile communications by emergency services. The IPR was instituted and the patent was found invalid.
09/2022 - 05/2024	<i>Staton Techiya, LLC and Synergy IP Corporation v. Samsung Electronics Co. LTD and Samsung Electronics America, Inc.</i> Case No. 2:21-CV-004130-JRG-RSP. In The United States District For The Eastern District of Texas Marshall Division	Expert reports on non-infringement and invalidity; depositions.	Retained by Kirkland and Ellis (contact: Alex Henriques) representing Samsung. This is a patent dispute related to intelligent wireless headsets, noise cancellation, and speech detection. Case resolved in our favor due to issues of "unclean hands".
06/2022 - 07/2024	<i>NantWorks, et al. v. Niantic</i> No. 20-cv-06262-LB N.D. Cal.	Expert reports; depositions.	Retained by Cooley (contact: Allie Leeper) representing Niantic. This is a patent case involving technology for augmented reality applications and games. I am working on non-infringement and invalidity. Case dismissed on summary judgement of invalidity on section 101.
02/2022 - 11/2023	VB Assets, LLC v. <i>Amazon.com Inc. et al.</i> C.A. No. 1:19-cv-01410-MN In the United States District Court for the District of Delaware	Expert reports on infringement and validity; depositions; testimony at trial.	Retained by Wilson Sonsini (contact: Ryan Smith and James Yoon) representing VB Assets, LLC. This is a patent case involving speech recognition and natural language processing in the Alexa system. I testified at trial. We prevailed at trial and the jury found willfulness.
05/2021 - 06/2024	<i>Linkable Networks, Inc. v. Mastercard Incorporated and Mastercard International Incorporated.</i> Index No.:651964/2019 in the Supreme Court of the State of New York County of New York	Expert reports; depositions; testimony at trial.	Retained by Baker Botts (contact: Jennifer Tempesta) representing Mastercard. This is a misappropriation of trade secrets case. I testified at trial. We prevailed.
06/2021 - 11/2021	<i>USC IP Partnership, L.P. v. Facebook, Inc.</i> Civil Action No. 6:20-cv-00555-ADA In The United States District Court for the Western District of Texas Waco Division	Expert reports on infringement and invalidity; depositions.	Retained by Cooley (contact: Phillip E. Morton) representing Facebook. This is a patent dispute involving user interfaces and websites. This case was dismissed.

04/2019 - 07/2019	Samsung Electronics Co., LTD and Samsung Electronics America, Inc., Petitioners v. SpeakWare, Inc. Case IPR2019- XXXX, US Patent No. 6,397,186 United States Patent and Trademark Office	Declarations in support of invalidity in the context of an IPR.	Retained by Arnold & Porter (contact: Jeffrey Miller) representing Samsung. This is an IPR related to patents for speech interfaces. This case is closed.
12/2020 - 12/2022	Open Text Corp. v. Hyland Software, Inc. Case No. 8:20-cv-02116-DOC-ADS In the United States District Court for the Central District of California Southern Division	Declarations supporting claim construction; expert reports; depositions.	Retained by King & Spalding LLP (contact: Brit Davis) representing Open Text. This is a patent dispute involving technology related to digital content management. This case is settled.
05/2020 - 12/2021	Nice LTD and Mattersight Corp. v. Callminer, Inc. Case No. 18-2024-RGA-SRF In the United States District Court for the District of Delaware	Declarations.	Retained by DLA Piper LLP (contact: Tiffany Miller) representing Callminer, Inc. This is a patent dispute involving technology related to telephony integration. This case was settled.
10/2019 - 06/2021	Freshub, Inc., Freshhub, LTD. v. Amazon.com inc., Amazon Digital Services, LLC, Prime Now, LLC, Whole Foods Market Inc., Whole Foods Market Services, Inc. Case A-19-CV-00885-ADA In the United States District Court for the Western District of Texas	Expert report on infringement; expert report on validity; depositions; testimony at trial.	Retained by Kramer Levin (contact: Paul Andre) representing Freshub. This is a patent dispute concerning smart kitchen voice technologies. Testified at trial. The patents were found to be valid and not infringed.
03/2020 - 05/2022	Broadcom Corporation, et al. v. Netflix, Inc. Case No. 3:20-cv-04677-JD In the United States District Court for the Northern District of California San Francisco Division	Expert reports.	Retained by Thompson Knight (contact: Nadia Haghighatian). This is a patent case involving streaming content. This case is ongoing, but I am no longer involved.
06/2019 - 03/2022	Roku, Inc. petition for <i>inter partes</i> review of US 7,821,505; 7,787,309; 7,821,504; Attorney Docket No. 48331.3	Declarations, reply declarations, and a deposition.	Retained by Haynes and Boone (contacts: Raghav Bajaj and Philip Woo) representing Roku, Inc. This is a patent case involving user interfaces on handheld remote controls.
04/2019 - present	Vimeo, Inc and IAC/InterActiveCorp, v. British Telecommunications plc, IPR2019-00833 Case 1:18-vc-003366-VAC-CJB (D. Del.)	Filed several declarations.	Retained by McDonnell Boehnen Hulbert & Berghoff (contact: Jeffrey P. Armstrong) representing British Telecom. This is a patent case in district court as well as an IPR. This case is ongoing.
05/2018 - 12/2020	Retailmenot, Inc. v. Honey Science Corp. Case no. 18-937(CFC)(MPT) In the United States District Court for the District of Delaware	Expert declarations; help with infringement contentions; expert report; deposition.	Retained by Kirkland & Ellis (contact: Christopher DeCoro) representing Retailmenot. This is a patent case involving ecommerce websites for shopping. The case was settled.
01/2017 - 01/2020	Koninklijke Philips N.V. et al. v. Acer Inc. et al., Case No. 15-1170-GMS Koninklijke Philips N.V. et al. v. ASUSTeK Computer Inc. et al., Case No. 15-1125-GMS Koninklijke Philips N.V. et al. v. Double Power Tech. et al., Case No. 15-1130-GMS Koninklijke Philips N.V. et al. v. HTC Corp. et al., Case No. 15-1126-GMS Koninklijke Philips N.V. et al. v. Southern Telecom Inc., Case No. 15-1128-GMS Koninklijke Philips N.V. et al. v. Visual Land Inc., Case No. 15-1127-GMS Koninklijke Philips N.V. et al. v. YiFang USA, Inc., Case No. 15-1131-GMS In the United States District Court for the District of Delaware	Expert reports and depositions.	Retained by Fitzpatrick, Cella, Harper & Scinto and Venable (contacts: Christopher Gerson or Jonathan Sharret) representing Koninklijke Philips N.V. and U.S. Philips Corporation. This was a patent dispute. The case ended in settlement.

03/2018 - 02/2019	<i>Alarm.com et al v. SecureNet Technologies LLC</i> , Case No. 1:15-cv-00807-GMS In the United States District Court for the District of Delaware	Four expert reports on invalidity and non- infringement; analysis of source code; two depositions; testimony at trial.	Retained by Cooley LLP (contact: Erik B. Milch) representing SecureNet Technologies. This case was a patent case involving home security products and internet technologies. I was handling both non-infringement and invalidity. We prevailed at trial.
01/2018 - 09/2018	<i>Ameranth, Inc. v. Pizza Hut, Inc., et al.</i> Case No. 11-cv-1810 JLS In the United States District Court Southern District of California	Expert report and deposition.	Retained by Baker Botts LLP (contact: Michael E. Knierim) representing Grubhub, Inc. and Seamless North America, LLC. This was a patent case involving data processing in the hospitality industry. I was asked to provide opinions concerning invalidity on a variety of grounds. We prevailed on a motion for summary judgment of unpatentability.
04/2018 - 09/2021	<i>MModal Services Ltd. v. Nuance Communications, Inc.</i> Case No. 1:18-cv-00901-WMR In the United States District Court for the Northern District of Georgia Atlanta Division	Declaration regarding claim terms; deposition. Expert report concerning non- infringement; expert report concerning invalidity; deposition.	Retained by Weil, Gotshal & Manges LLP (contact: Sudip Kundu) representing Nuance Communications, Inc. This is a patent case involving speech recognition technology. I have prepared a report regarding certain claim terms. This case settled shortly before trial.
04/2018 - 04/2022	<i>BookIT Oy Ajanvarauspalvelu v. Bank of America Corporation and Bank of America, N.A.</i> Case No. 3:17-cv-02557-K In The United States District Court for the Northern District of Texas Dallas Division	Declarations regarding claim terms.	Retained by Winston & Strawn, LLP representing Bank of America. This is a patent case. I am involved with a number of invalidity issues. This case settled favorably to the client.
08/2017- 06/2018	<i>Darren Pederson v. Apple Inc.</i> Case No. 1:12-cv-235530 In the Santa Clara County Superior Court	Declaration in support of opposition to class certification; deposition.	Retained by Morrison & Foerster LLP (contact: David M. Walsh) representing Apple, Inc. This is a class action case regarding the operation of Apple TV products. I was involved with a number of issues around class certification.
01/2017 - 04/2019	<i>Koninklijke Philips N.V. et al. v. Acer Inc. et al.</i> Case No. 15-1170-GMS In the United States District Court for the District of Delaware		Retained by Venable LLP representing Koninklijke Philips N.V. et al.
03/2016 - 01/2018	<i>Doug Baird, Goug Hesse and Bob Schmitt on Behalf of Blinkmind, Inc. v. Joe Baird, Nathan Stratton, Michael Tessler, Exario Networks Inc, and Broadsoft, Inc.</i> Case No. 2015-16576 In The District Court of Harris County, TX, 270th Judicial District.	Analysis of source code and documents related to allegations of copying. Expert report; deposition.	Retained by Cooley LLP (contact: Jon Graves) representing Broadsoft. This case involves allegations of theft of trade secrets and copying. The case settled.
11/2015 - 06/2017	<i>Phoenix Technologies LTD. v. VMware, Inc.</i> Case No. 15- cv-014140-HSG In The United States District Court North District of California	Expert report regarding a number of issues having to do with issues related to the definition of terms; deposition; testimony at trial.	Retained by Cooley LLP (contact: Whitty Somvichian) representing Phoenix Technologies. This is a contracts matter involving copyright. I offered opinions related to the meaning of certain terms used in a contract.
05/2015 - 05/2015	<i>Chestnut Hill Sound, Inc. v. Apple Inc.</i> Case No.15-cv-261 (D. Del.) In The United States District Court for the District of Delaware	Declaration in support of Apple's opposition to preliminary injunction.	Retained by Desmarais LLP (contact: Alan Kellman) representing Apple Inc. This is a patent matter involving control of multimedia streams in home entertainment networks.

04/2015 - 07/2016	<i>Mobile Telecommunications Technologies, LLC v. BlackBerry Corporation</i> Case No. 3:12-cv-01652-M (N.D. Tex.) In the United States District Court for the Northern District of Texas Dallas Division	Expert report on non-infringement and invalidity; deposition; testimony at trial.	Retained by McDermott Will & Emery (contact: Leigh Martinson) representing Blackberry. I am handling invalidity as well as non-infringement. This is a patent case involving a number of issues related to smartphones and messaging. Testified at trial. We prevailed.
03/2015 - 03/2017	<i>WAG Acquisition LLC v. Gattyan S.a.r.l. et al.</i> Case No. 2:14-cv-2832-ES-JAD (D. N.J.) In the United States District Court District of New Jersey	Declarations in four IPRs; deposition.	Retained by Baker & McKenzie LLP (contacts: Kevin O'Brien and Matt Dushek) representing the defendants. This is a patent matter involving streaming media. I submitted declarations in four IPRs in this case.
02/2015 - 02/2017	<i>Comcast Cable Communications LLC, et al. v. Sprint Communications Company L.P. et al.,</i> Case No. 2:12-cv-0859 (E.D. Pa)	Expert report on invalidity; deposition; testimony at trial.	Retained by McGuire Woods LLP (contact: George J. Barry III) representing Sprint Inc. This is a patent matter involving the architecture of messaging servers in a cell phone network.
12/2014 - 05/2015	<i>Enterprise Systems Technologies S.a.r.l. v. Apple Inc.</i> C.A. No. 1:14-cv-00765-UNA In the United States District Court for the District of Delaware	Declaration submitted for IPR.	Retained by Ropes & Gray LLP (contact: Stefan Geirhofer) representing Apple Inc. This was a patent matter involving a district court case, an ITC case, and an IPR. The technology mobile messaging. This case settled.
11/2014 - 04/2015	<i>Solocron Media, LLC v. Verizon Communications Inc., et al</i> Case No. 2:13-cv-1059 (E.D. Tex.) In the United States District Court Eastern District of Texas Marshall Division	Expert report on invalidity.	Retained by Wiley Rein LLP (contact: Scott Felder) representing Verizon. This was a patent matter. I prepared a report on invalidity and assisted with a report on non-infringement. This case terminated favorably for Verizon before I was deposed.
10/2014 - 02/2015	<i>Recogni Corp, LLC v. Nintendo Co. Ltd., et al.</i> Case No. 2:12-cv-01873-RAJ In the U.S. District Court Western District of Washington		Retained by Orrick, Herrington & Sutcliffe LLP (Contact: Doc Daybell) representing Nintendo Co. Ltd.
07/2014 - 01/2016	<i>Aylus Networks, Inc. v. Apple Inc.</i> Case No: 3:13-cv-04700-EMC. In the United States District Court Northern District of California San Francisco Division	Declarations in support of claim construction as well as summary judgment; expert reports on non-infringement and invalidity; deposition.	Retained by DLA Piper (contact: Mark Fowler) representing Apple, Inc. I was handling non-infringement as well as invalidity. This was a patent matter involving control of multimedia streams in home entertainment networks. This case was dismissed on summary judgment favorable to Apple.
5/2014 - 10/2014	<i>Jobdiva, Inc. v. Monster Worldwide, Inc.</i> Case no: 13 Civ. 8229 (KBF) In the United States District Court for the Southern District of New York	Declaration on infringement; deposition.	Retained by Kirkland and Ellis (contact: James Marina) representing Jobdiva. This was a patent matter involving methods of search and display of resumes. I offered a declaration that was most of an expert report. This case settled.
12/2013 - 06/2014	<i>Straight Path IP Group, Inc., v. LG Electronics, Inc. et.al</i> C.A. No. 1:13-cv-00933 Investigation No. 337-TA-892	Expert report on non-infringement; deposition.	Retained by Finnegan (contact: Aidan Skoyles) representing LG Electronics, Inc. This was a patent matter regarding smart televisions. This case has been stayed.
11/2013 - 12/2013	<i>Glaxosmithkline, LLC v. Genentech, Inc.</i> Case No: 10-799-GMS. In the United States District Court for the District of Delaware	Expert report on an evidentiary matter; deposition.	Retained by Desmarais (contact: Xiao Li) representing GSK. I offered opinions regarding the quality of certain metadata information associated with several files at issue in the case.
9/2013 - 9/2014	<i>Profectus Technology LLC v. Huawei Technologies Co. LTD, et al.</i> Case No. 6:11-cv-00474. In the United States District Court for the Eastern District of Texas Tyler Division	Expert report on non-infringement.	Retained by Baker Botts (contact: Tammy Pennington) representing Dell. This patent matter dealt with technologies used in electronic picture frames. This case settled.

9/2013 - 3/2014	<i>Black Hills Media v. Samsung, LGE et al., Certain Digital Media Devices, including Televisions, Blu-Ray Disc Players, Home Theater Systems, Tablets and Mobile Phones, Components Thereof and Associated Software.</i> Investigation No. 337-TA-882. United States International Trade Commission	Expert report on non- infringement; deposition; testimony at hearing.	Retained by Finnegan (contact: Houtan Esfahani) representing LGE. This was a patent case involving cell phone power systems.
6/2013 - 2/2015	<i>OpenText S.A. v. Alfresco Software LTD; Alfresco Software, Inc.; and Carahsoft Technology Corporation.</i> Case No. 2:13CV320AWA/LRL. In the United States District Court for the Eastern District of Virginia	Expert reports on infringement and validity; depositions; tech tutorial.	Retained by Cooley LLP (contact: Frank Pietrantonio) representing OpenText. My patents were dropped from trial.
05/2013 - present	<i>Hartford Fire Insurance Company v. Progressive Corporation and Progressive Casualty Insurance Company.</i> Case No. 1:12- cv-02444. In the United States District Court for the Northern District of Ohio Eastern Division	Expert report on claim construction; deposition.	Retained by Baker Botts (contact: Robert Scheinfeld) representing Hartford. I am handling both infringement as well as validity.
10/2012 - 04/2013	<i>MobileMedia Ideas, LLC v. HTC Corporation and HTC America, Inc.</i> In the United States District Court for the Eastern District of Texas, Marshall Division	Expert reports; deposition.	Retained by Desmarais LLP (contact: Alan Kellman) representing MMI. This is a patent dispute involving user interfaces to cell phones. I am handling both infringement and validity.
10/2012 - 04/2014	<i>Nokia Corporation, Nokia Inc., and Intellisync Corp v. HTC. Certain Electronic Devices, Including Mobile Phones and Tablet Computers, and Components Thereof.</i> Investigation No. 337-TA-847. United States International Trade Commission	Expert reports; depositions; testimony at hearing.	Retained by Desmarais LLP (contact: Alan Kellman) representing Nokia. This was a patent dispute involving user interfaces to cell phones. I handled both infringement and validity. My patent was dropped from the case during the hearing.
09/2012 - 04/2017	<i>Intellectual Ventures I, LLC et al. v. AT&T Mobility LLC et al.</i> Civil Action No. 12-CV-193-LPS (D.Del.)		Retained by Baker Botts (contact: Robert Maier) representing AT&T Mobility, LLC.
8/2012 - 10/2015	<i>Potter Voice Technologies, LLC v. Apple Inc. et al.</i> CV 1:12-cv-01096-REB-CBS In The United States District Court for the District of Colorado	Declaration in support of summary judgment; expert reports.	Retained by Cooley LLP (contact: Timothy Teter) representing Apple Inc. This was a patent dispute involving Natural Language Processing on smartphones. I handled both infringement and validity. This case was favorably dismissed on summary judgment.
08/2012 - 10/2014	<i>OpenTV, Inc. v. Netflix Inc.</i> Case No. 3:14-cv-01525 In the United States District Court for the District of Delaware	Declaration regarding a motion for summary judgment.	Retained by Kirkland & Ellis LLP (contact: Matthew Topic) representing OpenTV. I submitted a declaration in opposition to a motion for summary judgment regarding section 101 issues.
08/2012 - 12/2012	<i>J2 Global Communications, Inc. v. EasyLink Services International Corp.</i> Case No. 09-4189-DDP (AJWx) In The United States District Court Central District of California Western Division		Retained by Perkins Coie LLP (contact: Timothy Carroll) representing EasyLink Corp. I handled both infringement and validity. This was a patent dispute regarding enterprise fax and messaging systems.
06/2012 - 8/2017	<i>EasyWeb Innovations, LLC v. Twitter, Inc.</i> Civil Action No CV 11-4550-JFB-WDW. In The United States District Court for the Eastern District of New York	Expert reports; deposition.	Retained by Desmarais LLP (contact: Alan Kellman) representing EasyWeb. This is a patent dispute involving messaging technologies. I am handling both infringement and validity.

06/2012	Cisco	Declaration.	Retained by Haynes and Boone LLP (contact: Andrew Ehmke) representing Cisco. This was an IPR case and I submitted a declaration in the matter.
02/2012 - 06/2014	<i>Emblaze LTD v. Apple Inc.</i> Case No 4:11-CV-01079 SBA. In The United States District Court for the Northern District of California	Markman tutorial; Expert report on non-infringement; tech tutorial; testimony at trial.	Retained by Greenberg Traurig LLP (contact: James DeCarlo) representing Apple, Inc. The case was ultimately tried by DLA Piper (contact: Mark Fowler). This was a patent dispute. The case involved technology for distribution of multimedia over the Internet. The trial concluded with the jury finding no infringement.
12/2011 - 04/2013	<i>Apple Inc. v. Samsung Electronics Co, LTD.</i> Case No. CV12-00630 In The United States District Court for the Northern District of California San Jose Division	Expert declaration; deposition.	Retained by Gibson Dunn LLP (contact: Joshua Furman) representing Apple Inc. This is a patent dispute involving multi-database search on a mobile device. I am handling both infringement and validity. We received a pre-trial injunction on the products in question.
12/2011 - 08/2012	<i>NorthMobile Tech, LLC v. Simon Property Group, Inc.</i> Case No. 3:11-cv-287 In The United States District Court Western District of Wisconsin	Expert report; declarations.	Retained by Perkins Coie LLP (contact: Timothy Carroll) representing Simon Property Group. This was a patent dispute involving a location based marketing application on smartphones. I am handling both infringement and validity. We prevailed pretrial.
11/2011 - 09/2015	<i>Oasis Research, LLC v. ADrive LLC, et al.</i> Case No. 4:10-CV-435-MHS-ALM In The United States District Court for the Eastern District of Texas Sherman Division	Expert reports; deposition.	Retained by Desmarais LLP (contact: Alan Kellman) representing Oasis Research LLC. I am handling both infringement and validity. This is a patent dispute regarding on line backup and storage. This case settled.
08/2011 - 06/2014	<i>Apple Inc. and Next Software, Inc. v. Motorola, Inc. and Motorola Mobility, Inc.</i> Case No. 10-CV-662 (BBC) In The United States District Court for The Western District of Wisconsin	Expert reports.	Retained by Weil, Gotshal & Manges LLP (contacts: Kevin Kudlac and Elizabeth Weiswasser) representing Apple, Inc. This was a patent dispute. The case involved technology for the interface of DSPs in cell phones. I handled both infringement as well as validity. This case was dismissed pretrial by Judge Posner.
06/2011 - 02/2012	<i>Creative Kingdoms, LLC and Medici Portfolio LLC v. Nintendo Co. Ltd. . Certain video game systems and Wireless controllers and Components thereof.</i> Investigation No.337-TA-770 In The United States International Trade Commission	Expert report; deposition; testimony at hearing.	Retained by Cooley LLP (contacts: Tim Teter and Matthew Brigham) representing Nintendo Co. Ltd. This was a patent dispute. The case involved technology used in wireless and motion sensing controllers. I handled invalidity. We prevailed at the hearing.
02/2011 - 11/2011	<i>WiAv Solutions LLC v. Motorola Mobility, Inc, Nokia Corp., Nokia, Inc, Sony Ericsson Mobile</i> Civil Action No: 3:09-cv-447-LO In The United States District Court for The Eastern District of Virginia	Expert report; deposition.	Retained by Finnegan, Henderson, Farabow, Garrett & Dunner LLP (contacts: Kenie Ho and Christopher Schultz) representing WiAv Solutions LLC. This was a patent dispute. The case involved technology for speech codecs used in GSM cell phones. I handled the infringement side of the case. This case settled.
08/2010 - 04/2011	<i>Apple Inc. v. Nokia Corporation and High Tech Computer Corp. (HTC).Certain Personal Data and Mobile Communications Devices and Related Software.</i> Investigation No. 337-TA-710 United States International Trade Commission	Expert reports; depositions; testimony at hearing.	Retained by Kirkland & Ellis LLP (contacts: Marc Sernel and Eric Hayes) representing Apple Inc. This was a patent dispute. The case involved technology for the interface of DSPs in cell phones. I handled both infringement as well as validity.

07/2010 - 11/2010	<i>ACQIS LLC v. Appro International, Inc., Clear Cube Technology, Inc., Dell Inc., Fujitsu Computer Systems Corp., Hitachi America, Ltd., Hewlett-Packard Co., International Business Machines Corp., NEC Corp. of America, NEX Computers, Inc., Sun Microsystems, Inc. and Super Micro Computer, Inc.</i> Case No. 6:06-cv-00148 In the United States District Court for the Eastern District of Texas	Expert report on invalidity and non-infringement.	Retained by Covington & Burling LLP (contact: Chris Martiniak) representing Hewlett Packard. This was a patent matter involving computer blade servers. The case settled.
04/2010 - 06/2010	<i>Illinois Computer Research LLC v. Harpo Productions, Inc. et al</i> Case Number: 1:2008cv07322 In The United States District Court for The Northern District of Illinois Eastern Division	Expert report; deposition.	Retained by Jackson Walker LLP (contacts: Michael Locklarand Charles Babcock) representing Harpo Productions, Inc. This was a patent dispute. The case involved technology for display of books on a website. This case settled.
02/2010 - 06/2010	<i>Motorola Inc. v. Research Motion Limited et al</i> <i>Certain wireless communication server system software, wireless handheld devices and battery packs.</i> Investigation No. 337-TA-706 United States International Trade Commission	Expert report.	Retained by Ropes & Gray (contacts: Paul M. Schoenhard and Steven Pepe) representing Motorola, Inc. This was a patent dispute. The case involved technology used in pagers and cell phones as well as their servers. This case settled.
08/2009 - 10/2010	<i>Balthaser Online, Inc. v. Network Solutions, LLC.</i> Civil Action No. 2:08-cv-430 In The United States District Court Eastern District of Texas Marshall Division	Expert report.	Retained by Dickstein Shaprio LLP (contacts: Alfred R. Fabricant and Lawrence C. Drucker) representing Balthaser Online, Inc. This was a patent dispute. The case involved technology for the display of rich media applications on a web site. This case settled.
05/2009 - 05/2010	<i>Nuance Communications Inc. et al v. Tell me Networks Inc.</i> Case Number: 1:2006cv00105 In The United States District Court for The District of Delaware	Expert report.	Retained by McKool Smith (contact: Luke F. McLeroy) representing Nuance Communications. This was a patent dispute. The technology involved techniques for using speech recognition in telephone information systems. This case ended in summary judgment for the defendant.
12/2008 - 12/2009	<i>TruePosition Inc. v. Andrew Corp, C.A.</i> Case No. 05-0747-SLR (D. Del) U.S. District Court for the District of Delaware	Declaration; expert report.	Retained by Kirkland & Ellis LLP (contact: Avinash Lele) representing Andrew Corp, C.A. Patent infringement case concerning technology for determining location of a cell phone using information from several cell phone towers. I provided an analysis of a workaround approach.
10/2008 - 01/2010	<i>RealTime Data LLC. v. Packeteer, Inc.</i> Case No. 6:2008cv00144 U.S. District Court for the Eastern District of Texas	Expert report; depositions; trial prep.	Retained by Ropes & Gray LLP (contact: Anthony Pastor) representing RealTime Data, LLC. Patent infringement case concerning data compression, storage, and transmission. This case settled on first day of trial.
10/2008 - 09/2009	<i>Thomson Reuters (Scientific) Inc. v. David A. Von Moll, Comptroller of the Commonwealth of Virginia and George Mason University</i> Civil Action No. CL2008-17114 Circuit Court of Fairfax County Virginia	Expert report.	Retained by Edwards Angell Palmer & Dodge LLP (contacts: Glenn Pudelka and Barry Kramer) representing Thomas Reuters (Scientific) Inc. Contracts dispute centered around allegations of reverse engineering of software. This case ended in summary judgment.
04/2008 - 12/2008	<i>International Business Machines Corporation v. Asustek Computer, Inc. Certain Computer Products, Computer Components and Products contain Same.</i> Investigation No. 337-TA-628 United States International Trade Commission	Expert reports; declarations; depositions; testimony at hearing.	Retained by Cadwalader Wickersham & Taft LLP (contacts: John Moehringer and Christopher Hughes) representing IBM in this matter. This was an US ITC investigation regarding infringement of a number of IBM patents by computers produced and sold by Asustek. The technology involved computer control of cooling systems for computers. I was involved with infringement as well as validity issues.

10/2007 - 05/2008	<i>Lucent, Alcatel-Lucent, and Multimedia Patent Trust v. Microsoft</i> Case no. 06-CV- 0684-H (LAB) U.S. District Court for the Southern District of California	Expert reports; depositions; testimony at trial.	Retained by Kirkland & Ellis LLP (representing Lucent Technologies) (contacts: Robert Appleby and John Desmarais) and Baker Botts LLP (representing Alcatel-Lucent). I advised on infringement as well as validity of U.S. Patents 5,838,319 and 5,977,971. Gave trial testimony regarding invalidity of the '971 patent: jury found the patent was invalid.
03/2000 - 01/2009	<i>National Music Publishers' Association et al. v. XM Satellite Radio Inc.</i> Civil Action 06-CV-3733(LAK) In The U.S. District Court for the Southern District of New York		Retained by Gibson Dunn & Crutcher LLP representing National Music Publishers' Association. Copyright dispute concerning the impact of various XM Satellite Radio products. I provided an analysis of source code and functionality of several XM devices.
06/2006 - 02/2007	<i>Lucent v. Gateway, Microsoft, Dell</i> Case no. 02-CV-2060-B (LAB) Case no. 03-CV-0699-B (LAB) Case no. 03-CV-1108-B (LAB) U.S. District Court for the Southern District of California	Expert reports; depositions; testimony at trial.	Retained by Kirkland & Ellis LLP representing Lucent Technologies (contacts: Robert Appleby and John Desmarais). I worked on the infringement of Patents 5,341,457 and 5,627,938 as well as validity of these patents. At trial, I testified to regarding infringement of the '457, '938 and '080 patents. This matter concluded with a successful verdict and an award to Lucent of \$1.5 billion.
02/2006	<i>Board of Regents of the University of Texas v. Benq America Corp et al.</i> Civil Action No. A:05CA181 U.S. District Court for the Western District of Texas	Markman Hearing Testimony; Expert reports; deposition; tech tutorial.	Retained by Quinn Emanuel Urquhart Oliver & Hedges LLP (contacts: Evette Pennypacker and Kevin Johnson) representing Benq America et al. Patent infringement. For a Markman (claim construction) hearing, prepared and presented a technology tutorial and testified before a special master. Prepared reports and gave deposition regarding invalidity and inoperability technology in the patent at issue. Claim construction hearing led to summary judgment in Benq America's favor.
2006	<i>Telefonaktiebolaget LM Ericsson et al. v. Samsung Electronics Company Ltd.</i> Investigation No. 337-TA-577 U.S. International Trade Commission	Expert reports and depositions.	Retained by Kirkland & Ellis LLP (contacts: Bao Nguyen, Adam Gill and Michael Pieja) representing Samsung in several patent infringement claims brought by Ericsson. Claims involved technologies for messaging, speech encoding, and speech recording within various GSM cell phones. This case settled just prior to hearing.
07/2005 - 02/2006	<i>Encyclopedia Britannica Inc. v. Alpine Electronics of America Inc. et al.</i> Civil Action No. 05-359 U.S. District Court for the Western District of Texas	Expert report; deposition.	Retained by Baker Botts LLP (contact: David Wille) representing Encyclopedia Britannica, Inc. Patent infringement. Prepared report on the definiteness of certain claim terms, and was deposed on this matter. This case is ongoing but inactive.
2005 - present	<i>Advanced Analytics Inc. v. Citigroup Global Markets Inc.</i> Case No. 04 Civil 3531 (LTS) U.S. District Court for the Southern District of New York	Declarations and expert reports; deposition.	Retained by Cleary Gottlieb Steen & Hamilton LLP (contacts: David Williams and Chris Moore) representing Citigroup Global Markets, Inc. Theft of trade secrets. I have been involved in software analysis in this case. The case involved software used to price complex financial instruments. Refuting the claims required software analysis as well as statistical analysis of certain elements of the systems involved. This case pending.
05/2005 - 09/2005	<i>Atronic International GMBH v. SAI Semi-specialists of America Inc.</i> Case No. 03-CV-4892 (TCP) (MLO) U.S. District Court for the Eastern District of New York	Expert report; deposition.	Retained by Ford Marrin Eposito Witmeyer & Gleser LLP (contact: Edward M. Pinter) representing Atronic International. Contracts dispute. I have acted primarily to rebut another witness regarding what would have been reasonable behavior for a customer of an electronic parts supplier. This case settled.

02/2005 - 03/2006	<i>Tivo Inc. v. Echostar Communications Corporation</i> Case No. 2-04cv01 DF U.S. District Court for the Eastern District of Texas	Expert report; deposition; testimony at trial.	Retained by Morrison & Foerster (contact: Karl Kramer) representing Echostar. This case involved digital video recorder (DVR) technology. My work focused on the invalidity of the Tivo patent. I found many pieces of prior art including complete systems that were presented at trial. Tivo prevailed at trial. Most of the claims were subsequently found invalid on re-exam. This case has been the subject of many appeals.
12/2004 - 05/2006	<i>Foundry Networks Inc. v. Lucent Technologies Inc.</i> Case No. 2:04-CV-40 (TJW) (E.D. Tex.) U.S. District Court for the Eastern District of Texas	Expert reports.	Retained by Kirkland & Ellis LLP (contacts: Jenny Lee and Jeanne Heffernan) representing Lucent Technologies. I advised on infringement as well as validity of U.S. Patent 5,649,131. In addition to generating several reports, I supported the drafting of motions and declarations. This case settled shortly before trial.
07/2004 - 01/2005	<i>Voice Capture Inc. v. Intel Corporation, Dialogic Corporation, and Nuance Communications, Inc.</i> No. 4:04-cv-40340 U.S. District Court for the Southern District of Iowa	Expert report.	Retained by Gary Cary (contact: Edward Sikorsky) representing Intel Corporation. The case involved Voice Capture's allegation of patent infringement by Intel in the area of interactive voice response systems. In producing an invalidity report on the patent, I analyzed the patent and prior art in great detail. I also provided an expert report on invalidity and an analysis of a rebuttal report. The case settled.
05/2004 - 03/2005	<i>Dolby Laboratories Inc. v. Lucent Technologies Inc.</i> Case No. C 01-20709 JF (RS) U.S. District Court for the Northern District of California	Expert report.	Retained by Kirkland & Ellis LLP (contact: Alan Kellman) representing Lucent Technologies. This case involved infringement of a number of Lucent's patents by Dolby's AC3 codec. The case settled.
03/2003	<i>Agere Systems Inc. v. Broadcom Corporation</i> Civil Action No. 03-3138 U.S. District Court for the Eastern District of Pennsylvania	Expert report.	Retained by Kirkland & Ellis LLP (contacts: Bryan Hales and Edward Runyan). The case involved Agere's allegation of patent infringement by Broadcom in the area of speech compression used in various Broadcom telephone products. I analyzed the operation of a speech codec used in digital telephones; worked with counsel and other experts to prepare reports. This case settled.
10/2001	<i>AT&T Corp. v. Microsoft Corporation</i> Civil Action No. 01 CV 4872 (WHP) U.S. District Court for the Southern District of New York	Expert reports; deposition; testimony at trial.	Retained by Cooley Godward Kronish LLP (contacts: Frank Pietrantonio and Stephen Neal) representing AT&T. The case involved AT&T's allegation of patent infringement by Microsoft in the area of speech compression. I analyzed the operation of three speech codecs and worked with counsel and other experts to prepare reports. I was deposed and gave testimony at trial. After the presentation of our case, the matter settled; details of the settlement are confidential. Elements of this case reached the U.S. Supreme Court.
2000	<i>Data System Analysis Inc. v. The Netplex Group Inc., Technology Development Systems Inc. and Xcellenet Inc.</i> Civil Action No. 97-4652 (JBS-RBK) U.S. District Court for the District of New Jersey	Expert reports; deposition.	Retained by Saul Ewing LLP (contact: Michael Lampert) representing Netplex. Data Systems Analysis (DSA) brought suit against Netplex in a contract matter regarding software claimed by both companies. I was retained to analyze the disputed software and determine a method for computing damages. My expert report found that "functionality" and "effort required to create" were both better metrics than "number of lines of software", the measurement proposed by DSA. I was deposed for several days in this case, provided analysis of other expert reports and assisted in preparing counsel for depositions. This case settled.

01/1998 - 01/2001	<i>System Management Arts Inc. (SMARTS) v. Avesta Technologies Inc. and David Zager</i> 97 Civil 8101 (RWS) U.S. District Court for the Southern District of New York	Expert reports; deposition.	Initially retained by Kramer Levin Naftalis & Frankel LLP (contact: Thomas H. Moreland) representing SMARTS. In early 2000 SMARTS retained Proskauer Rose LLP (contact: Kenneth Rubenstein). The case involved a SMARTS patent in the area of automatic diagnostics of faults in communications networks. I analyzed an Avesta system with similar claimed capabilities and produced an expert report. I also gave deposition and participated extensively in technological analysis and strategic discussions of all aspects of the case. This case settled.
1997	<i>Knowledge Based Technologies Inc. v. International Business Machines Corp.</i> Case No. 96-9461 (JSR) U.S. District Court for the Southern District of New York	Expert reports; deposition.	Retained by Morris, Nichols, Arsht & Tunnell LLP (contact: Karen Jacobs Loudon) representing Knowledge Based Technologies. Contract dispute regarding the application of fuzzy logic techniques. I generated an expert report that analyzed several forms of fuzzy logic software to determine whether the software was independently developed. I also was deposed in this case. This case settled.