



EXPERT WITNESS AND LEGAL CONSULTANT

Professional Background

- Currently active software industry executive with 30+ years of experience.
- Founder of Eureka Software Solutions, Inc. ("Eureka"). CEO of Eureka for 30+ years.
- Involvement in the daily management and operation of Eureka, including business development, contracts, customer relations, project scope, execution and oversight, strategy, and management, hiring and finance. (See www.eurekasoft.com for additional information)
- Negotiated and performed hundreds of real-world software and technology contracts and statements of work involving complex software project and licensing terms and conditions including material intellectual property aspects.
- Actively engaged in handling and protecting the confidential, proprietary, and trade secret information and technology of Eureka and its clients.
- For the last 10+ years has served as an expert witness for a balanced mix of plaintiffs and defendants in over 80 litigation matters ranging from billion-dollar, landscape-changing lawsuits between worldwide industry leaders to smaller-scale litigation between individuals or local businesses.

Capabilities/Resources

- Computer and software expert witness experienced and proven at offering expert testimony under-oath at trial, hearings, and depositions.
- Extensive work with counsel in the taking and defending of depositions, reviewing, and challenging the testimony of others, and assisting with and implementing an overall trial strategy.
- Adept at taking highly technical material and effectively communicating it to counsel, the judge, or a jury in terms they can understand.
- Ready availability of Eureka's experienced team of software developers and IT forensic specialists as needed to analyze or recreate relevant software or hardware platforms or scenarios.
- Regular use of proprietary and licensed tools and software to assist with source code analysis and performance testing, load testing, data recovery and extraction, metadata review and management, and e-discovery.
- Experience performing analyses supporting matters involving alleged evidence destruction where negative inferences, death penalty sanctions, or other relief is sought by a party.

► Contact Information

Monty G. Myers
CEO/Founder 1986 - Present
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► About Eureka Software

- Custom software development company founded in 1986.
- Client list includes Global 1000 and Fortune 500 companies covering a wide range of industries from technology, transportation and energy to manufacturing and healthcare.
- Strategic focus on software product/solution design, usability, and innovation across mobile, desktop, cloud, device, and enterprise platforms.
- Extensive resume of projects involving period relevant technologies including legacy, client-server, n-tiered, distributed, and cloud environments.
- Experts skilled and competent in most programming languages and frameworks from legacy, C/C++, and native environments to modern high level platforms such as Java, .Net, Python, Javascript, Ruby, and more
- Profitable and award winning company for more than two decades under Mr. Myers' direction.

► Personal Information

- Native of Nashville, Tennessee
- Resident of Austin, Texas since 1986
- Bachelor of Science in Engineering, Texas A&M University, Cum Laude
- Substantial graduate level course work at the University of Texas
- Licensed Professional Engineer #75271, State of Texas
- Private Instrument Rated Pilot #3014095
- Inventor on US Patent No. 6775644 System load testing coordination over a network and US Patent No. 6601020 System load testing coordination over a network

Elite Expert Designation



Designated as an Elite Expert[™] by IMS ExpertServices[™], the premier subject matter expert search firm in the legal industry, providing customized expert witness search services to more than 90 of the AmLaw 100 and half of the Fortune 100."

Practical Implementations of Expertise

- Review and comparison of software source code and functionality in relation to contractual commitments and requirements and/or protected intellectual property including, trade secrets, copyrights, and patents.
- Computer/software forensics – able to reverse engineer and reconstruct hardware and software environments from backups, remnants, and fragments of deprecated software. Eureka IT and Software development team is skilled at re-creating historical hardware and software environments.
- Investigation and assessment of software project bidding, planning and performance with particular attention to adequacy of discovery, specifications, cost estimates, schedules, and deliverables.
- Functional and performance testing of software against applicable specifications, warranties or industry standards using proprietary and commercial testing tools and techniques.
- Evaluation and use of both traditional and modern software development techniques and strategies, including creative payment structures related to software application/effort valuation and intellectual property licensing and ownership.
- Reviewing and exercising software applications and IT networks to expose and correct security issues and weaknesses.

Applicability of Expertise

- Patent Infringement/Non-infringement
- Patent Validity/Invalidity
- Computer/Software Trade Secret Misappropriation
- Software Intellectual Property (i.e., copyright, patents, trade secrets, derivative works)
- Non-compete Agreements
- Computer/Software Forensics and Data Recovery
- Computer Software/Programming
- Software Project Failure
- Computer/Software Technology & Strategy Mapping
- Software Testing
- Software Analysis & Development
- Software/Computer Contracts and Licenses
- Software Quality Analysis
- Software Project Estimating
- Software Schedule Delay & Analysis
- Software Outsourcing
- Software Source Code Comparison and Analysis
- New Computer/Software Product Development and Investigation
- Software Project Statement of Work and Specification Review
- Software Product Economic Life
- Information Technology Practices and Standards
- E-discovery
- Electronic Due Diligence
- Software Proposals
- Software Development Methodologies and Standards
- Internet/Cloud Commerce and Security
- Dispute Resolutions
- Internet & Web Strategies
- Software Application Valuation & Appraisals
- Software Security
- Software Consultant Errors & Omissions
- Revenue Recognition Models

Representative Law Firm Clients



ALSTON + BIRD LLP

Weil

GT GreenbergTraurig

McGUIRE WOODS

quinn emanuel trial lawyers
quinn emanuel urquhart & sullivan, llp

Knobbe Martens
INTELLECTUAL PROPERTY LAW

Wilson Elser
Wilson Elser Moskowitz Edelman & Dicker LLP

Thompson & Knight Impact

haynesboone
Setting precedent.

BRYAN CAVE

Examples of Cases and Engagements

- *Evolutionary Intelligence, LLC v. Apple, Inc.*, Cause No. 6:12-cv-783 (MHS), US District Court for the Eastern District of Texas, Tyler Division - Consulting and testifying expert for the Defendant in software patent infringement case. (2013)
- *American Airlines, Inc. v. Sabre Inc., Sabre Holdings, Inc. and Sabre Travel International Ltd.*, Cause No. 067-249214-10, 67th Judicial District Court, of the State of Texas, Tarrant County - Consulting and testifying expert in a high profile antitrust matter within the air travel industry involving travel-shopping technologies for airfare and optional services. (2011-2013)
- *American Airlines, Inc. v. Travelport Limited and Travelport, LP*, Cause No. 4:11-cv-244-Y, US District Court for the Northern District of Texas, Fort Worth Division - Consulting and testifying expert in a high profile antitrust matter within the air travel industry involving travel shopping technologies for airfare and optional services. (2011-2013)
- *Intellectual Ventures I LLC et.al. v. Symantec Corp.*, Cause No. 13-cv-440-LPS, US District Court for District of Delaware, Consulting and testifying expert in software patent infringement case. (2013)
- *DDB Technologies LLC v. Yahoo! Inc.*, Cause No. 1:10-cv-00273-JRN, US District Court for the Western District of Texas, Austin Division – Consulting and testifying expert for Defendants in case involving alleged infringement of live sporting event broadcasting technology. (2011)
- *Ford Motor Company v. Versata Software, Inc. f/k/a Trilogy Software, Inc. et.al.*, Case No. 15-10628-MFL-EAS, US District Court Eastern District of Michigan, Southern Division – Consulting and testifying expert for Plaintiff in case involving alleged patent and copyright infringement and trade secret misappropriation related to automotive configuration software. (2016)
- *Ameranth, Inc. v. Marriott International, Inc. et.al.*, Case No. 12CV1631 JAH JMA, In the United States District Court for the Southern District of California, consulting and testifying expert witness in alleged patent infringement case involving hotel reservation software systems.
- *JurisDictionUSA, Inc. v. Loislaw.com, Inc. and Aspen Publishers, Inc., et.al.*, Cause No. CV-2002-115 (II), Circuit Court of Crawford County, Arkansas, Civil Division - Consulting and testifying expert for Defendant in significant case involving historical reconstruction and testing of legal software product and analysis and testimony concerning the performance of such software product against contract specifications. (2007-2008)
- *Prostar Wireless Group, LLC v. Domino's Pizza, Inc. et.al.*, Case No. 3:16-CV-05399 (WHO), In the United States District Court, Northern District of California, consulting and testifying expert in trade secret misappropriation and breach of contract case involving pizza delivery driver tracking software. (2018)
- *M&G Jewelry, Inc. v. Zale Delaware, Inc. et.al.*, Cause No. DC-14-12666, District Court of the 116th Judicial District, Dallas County, Texas - Consulting and testifying expert for Defendant in case involving alleged trade secret misappropriation related to retail jewelry store and jewelry repair operation management software. (2016)

Testimonials

"Monty Myers was a key witness in a recent complex case involving a software development project. His reconstruction of previous versions of the software was critical for the jury's understanding of our case. Monty is an excellent communicator and has the unique ability to explain advanced technical issues in simple terms that jurors understand. He is professional; a true expert in his field, and his company's success is only one example of his impeccable credentials. The major reason for our success at trial was due to Monty Myers' testimony."

Joe McKay
Friday, Eldridge & Clark, LLP
Little Rock, Arkansas

"Monty Myers and his team have been a key factor in my successful litigation of trade secrets cases. Monty is not only knowledgeable about the highly technical aspects of software development and forensic analysis, but he also has a firm grasp of the business processes involved. Likewise, he communicates like a businessperson – so his testimony is clear and understandable and even enjoyable because we're all learning from him and his colleagues. One of my favorite aspects of working with Monty's team is that they delve deep enough, early enough, to help craft the parameters of the dispute. In other words, they know when to say no, and when they say yes, it's with a firm foundation."

Karen Burgess
Taylor, Dunham and Burgess
Austin, Texas

I was very pleased with Eureka's work and the zeal they brought to the task at hand, and would be pleased to speak with others who are contemplating engaging Eureka's services should they call.

Werner A. Powers
Haynes and Boone, LLP
Dallas, Texas

- **Chevron USA, Inc. v. Qiang Zhou and Maxwell Dynamics, Inc.**, Cause No. 4:10-cv-01787, US District Court for the Southern District of Texas, Houston Division – Consulting and testifying expert for plaintiff in case alleging breach of employment agreement and misappropriation of trade secrets related to advanced oil and gas industry software and technology. (2010)
- **National Instruments Corp. v. Kuka Roboter GMBH et.al.**, Cause No. D-1-GN-15-004170, District Court of the 53rd Judicial District, Travis County, Texas - Consulting and testifying expert for Defendant in case involving trade secret misappropriation related to robotic hardware and software. (2016)
- **Vertical Computer Systems, Inc. v Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.**, Cause No. 2:10-cv-490, US District Court for the Eastern District of Texas, Marshall Division Consulting expert for defendant in case involving alleged patent infringement. (2013)
- **Dietgoal Innovations LLC v. General Mills Sales, Inc.**, Cause No. 2:12-cv-cv00331-JRG-RSP, US District Court for the Eastern District of Texas, Marshall Division, Consulting and testifying expert for defendants in case involving alleged patent infringement. (2013)
- **John M. Velasquez et.al. v. TSG Resources, Inc.**, Cause No. D-1-GN-16-001713, District Court of the 200th Judicial District, Travis County, Texas – Consulting and testifying expert for the Plaintiff in case involving software contract performance related to advanced CRM software for the healthcare industry. (2016)
- **Trade Management Solutions, LLP, et al. v. Robert G. Clarke and Overhaul Group, Inc.**, Cause No. D-1-GN-16-001739, District Court for the 261st Judicial District, Travis County, Texas – Consulting and testifying expert for the Plaintiff in case involving trade secret misappropriation, breach of contract, and breach of fiduciary duty related to supply chain/import export management software. (2016)
- **Greenstream International, Inc. v. Gary Stephens, Renew Logic, LLC et al.**, Cause No. D-1-GN-16-004515, District Court for the 345th Judicial District, Travis County, Texas – Consulting and testifying expert for the Plaintiff in case involving breach of employment contracts and breach of fiduciary duty in the technology recycling industry. (2016)
- **Planview, Inc. v. Computer Associates International Inc.**, Cause No. D-1-GN-06-001382, District Court of the 345th Judicial District, Travis County, Texas - Consulting and testifying expert for Plaintiff in case involving misappropriation of software trade secrets by key personnel and the comparison of each party's complex proprietary software systems in order to determine if misappropriation occurred. Case resulted in one of the largest monetary settlements of its kind in Texas in favor of our client. (2007-2008)
- **Jatin Suryawanshi, Partha Sarkar, and Sanjay Girdhar v. UBS AG and UBS Securities LLC, FNRA Case No. 09-02568, arbitration before the Financial Industry Regulatory Authority and** – Consulting and testifying expert for plaintiff in FINRA Arbitration involving alleged misappropriation of trade secret, software, comparison and analysis of each party's complex financial/trading software systems, and forensic review of computer hardware systems to determine access to and existence and transfer of trade secrets. (2009-2010)

Testimonials

"I felt equally comfortable bringing Monty Myers and his team into the areas requiring heavy technical lifting in the maintenance and improvement of our core firmware and overall product management system as I did in asking him to work with and analyze our financial data and issues related to product economic life and revenue recognition. "

Damien Leostic
2Wire, Inc
San Jose, California

- **General Parts, Inc.** (*Carquest Auto Parts*) v. *Internet AutoParts, Inc.*, Cause No. 1:08-cv-0313-SS, *US District Court for the Western District of Texas, Austin Division* – Consulting and testifying expert for plaintiff in case involving comparison and analysis of software products against contract requirements and specification. (2009)
- **Flexible Business Systems, Inc.** v. *Seacor Island Lines, Inc. et.al.*, Case No. 15-006350 CACE (07), *Circuit Court of the 17th Judicial Circuit in and for Broward County, Florida* - Consulting and testifying expert for Plaintiff in case involving trade secret misappropriation and breach of contract related to ocean shipping business automation and management software. (2016)
- **Scienton Technologies, Inc. et.al.** v. *Computer Associates International, Inc.*, Cause No. 04 Civ. 2652 (JS) (ETB), *US District Court for the Eastern District of New York* – Consulting and testifying expert for plaintiffs in case involving dispute between former joint development partners over alleged breach of collaboration and confidentiality agreements and misappropriation of trade secrets and know-how related to SharePoint and enterprise data storage solutions. (2010-2013)
- *International Business Machines Corporation* v. **BGC partners, Inc. et al**, Cause No. 1:10-cv-00128, *US District Court for the Southern District of New York* – Consulting and testifying expert for defendants in software licensing case. (2010-2011)
- *Touchcom, Inc., et.al.* v. **Bereskin & Parr, et.al.**, Cause No. No. 1:07-cv-00114-JCC-TCB, *US District Court for the Eastern District of Virginia, Alexandria Division*– Consulting expert for defendants on means plus function software patent infringement case embedded within legal malpractice case involving oil and gas related technology. (2010-2011)
- **Charles Moon and AISoft, Inc.** v. *Infoglide Corporation.*, Cause No. D-1-GN-07-000747 in the 353rd *Judicial District Court of the State of Texas, Travis County* - Consulting and testifying expert for plaintiff in case involving retention of trade secrets and other intellectual property rights by key employees and forensic and comparative determination of whether such employees brought the trade secrets and intellectual property to their subsequent employer. (2007-2008)
- *e-BackgroundChecks.com, Inc.* v. **Deverus, Inc.**, Cause No. D-1-GN-06- 003497, 261st *Judicial District Court of the State of Texas, Travis County* – Consulting and testifying expert for plaintiff on state court case with focus on determining whether software trade secrets misappropriated by employee had been integrated into subsequent employer's competitive software product. (2006)
- *Universal Background Screening, Inc.* v. **Deverus, Inc.** - Consulting and testifying expert for plaintiff in case focused on determining whether software trade secrets misappropriated by employee had been integrated into subsequent employer's competitive software product. (2007)
- *Avepoint, Inc.* v. **Janalent Corporation**, Cause No. 2:09-cv-03694-SDW-MCA, *US District Court for the District of New Jersey* – Consulting and testifying expert for defendant in case involving misappropriation of trade secrets and breach of contract related to enterprise document management software. (2009-2011)
- *Lewis and Clark Outdoors, Inc.* v. **L.C. Industries, Inc.**, Cause No. 5:07-CV-05164-JLH in the *United States District Court for the Western District of*

Arkansas, Fayetteville Division – Consulting and testifying expert for Defendant in case involving infringement/theft of trademark and trade dress. (2009)

- **Epic Merchant Management, Inc., et.al. v. West Oaks Energy, LP, et.al, Cause No. 2009-63172, 281st Judicial District of the State of Texas, Harris County** – Consulting and testifying expert for plaintiff/employer in case involving alleged misappropriation of software trade secrets, breach of employment contract, breach of fiduciary duty and fraud related to proprietary energy trading systems software. (2010)
- **SFA Systems, LLC v. Bigmachines, et al., Cause No. 6:10-cv-300-LED, US District Court for the Eastern District of Texas, Tyler Division** - Consulting and testifying expert for Plaintiff in case involving infringement of patent related to sales force automation systems and software. (2010-2011)
- **SFA Systems, LLC v. 1-800-Flowers.com, Inc., et al., Cause No. 6:09-cv-340-LED, US District Court for the Eastern District of Texas, Tyler Division** - Consulting and testifying expert for Plaintiff in case involving infringement of patent related to sales force automation systems and software. (2010-2011)
- **CAM Technologies, Inc. and CAM Technologies IP Holdings, LLC v. Compressed Air Network, Ltd. et al., 1:10-cv-00664-CCB, US District Court for the District of Maryland, Baltimore Division** – Consulting expert for plaintiff in software copyright infringement and trade secret misappropriation case in federal court in Maryland. (2010-2012)
- **Phoenix Licensing, LLC et al. United National Corporation, First Premier Bank, and Premier Bankcard, LLC et al., Cause No. 2:11-cv-00286, US District Court for the Eastern District of Texas, Marshall Division** – Consulting and testifying expert for defendants in case involving alleged banking software patent infringement. (2013)
- **Quadrus Corp. v. Criley and Cohesion Force, Inc. Cause No. CV 2009 901370, 123rd State Judicial Circuit Court of Alabama, Madison County** – Consulting expert for plaintiff in copyright infringement and trade secret misappropriation case involving software for tracking xml data traffic related to the defense industry. (2010-2011)
- **Bridgetree, Inc. et al. v Red F Marketing LLC et al., Cause No. 3:10-cv-228-FDW-DSC, US District Court for the Western District of North Carolina** – Consulting and testifying expert for defendants in case involving alleged misappropriation of software trade secrets and copyright infringement. (2011-2013)
- **TravelFocus, LLC v. World Ventures, LLC, Cause No. Cause No. 10-06227-D, County Court at Law No. 4 of the State of Texas, Dallas County** - Consulting and testifying expert for Defendants in case involving alleged misappropriation of travel shopping software trade secrets and the comparison of each party's complex proprietary software systems. (2012-2013)
- **Herbert and Marlene Singer Living Trust, et.al. v. The Travelers Lloyds Insurance Company and First Texas Insurance Services, LLC, Cause No. 6:09-CV-63 in the United States District Court for the Eastern District of Texas, Tyler Division** – Consulting and testifying expert for defendants regarding issue of existence of e-mail communication. Provided in-depth forensic inquiry into each party's primary and back-up IT systems to determine whether e-mail was sent and/or received. (2009-2010)

- *My485, Inc. v. **Riverside Partners, LLC** et al.* Cause No. 067-251767-11, 67th Judicial District of the State of Texas, Tarrant County – Consulting and testifying expert for defendants in case involving alleged misappropriation of trade secrets related to healthcare and medical record related software. (2011-2013)
- ***Pulsepoint, Inc. and UnsubCentral, Inc.** v. Optizmo Technologies, LLC,* Cause No. D-1-GN-11-001510, 33rd Judicial District of the State of Texas, Travis County – Consulting and testifying expert for plaintiff in case involving alleged misappropriation of software trade secrets. (2013)
- ***Anue Systems, Inc.** v. Sameer Gupta and Giganet Systems, Inc.,* Cause No. D-1-GN-11-000438, 126th Judicial District of the State of Texas, Travis County - Consulting and testifying expert for plaintiff in case involving alleged misappropriation of trade secrets related to network switching and security technology. (2012)
- *MSCI Inc. et al v. **Philip Jacob, Axioma, Inc.** et al.,* Index No. 651451/2011, Supreme Court of the State of New York, New York County – Consulting and testifying expert for defendants in case involving alleged misappropriation of trade secrets related to multi-asset investment portfolio risk management software. (2012-2013)
- *Kenneth C. Henry v. Petrolink Services, Inc. v. **Digital Well File, LLC,*** Cause No. 2010-08178, 133rd Judicial District of the State of Texas, Harris County – Consulting and testifying expert for defendant in case involving petroleum data management software. (2011-2013)
- ***Travel Syndication Technology, LLC** v. Fuzebox, LLC and Digital Commerce, LLC,* Cause No. 11-553-RGA-SRF, US District Court for District of Delaware – Consulting and testifying expert for plaintiff in case involving technology/software contract performance and intellectual property ownership and misappropriation. (2012)
- *Variant Holdings, LLC and Variant, Inc. v. **TravelClick, Inc.,*** Cause No. 3:12-cv-00708, US District Court for the Western District of Wisconsin, Consulting and testifying expert for defendant in case involving infringement of software patents covering emote kiosk marketing in the travel industry. (2013)
- *First Bank & Trust v. **Gulf Coast Bank & Trust** et.al.,* Cause No. 12-2265G - US District Court for the Eastern District of Louisiana - Consulting and testifying expert for defendants in case involving misappropriation of trade secrets in banking software. (2012-2013)
- *Macro Niche Software, Inc. et.al. v. **4 Imaging Solutions, LLC** et.al.,* Cause No. 4:12-cv-02293, US District Court for the Southern District of Texas, Houston Division, Consulting and testifying expert for defendants in case involving copyright infringement related to medical device management software (2013)
- ***Artec Group, Inc.** v. Andrey Klimov et.al.,* Case No. 15-CV-03449-RMW, US District Court for the Northern District of California, San Jose Division - Consulting and testifying expert for Plaintiff in case involving alleged trade secret misappropriation related to facial recognition software and scanners. (2016)
- ***Ceats, Inc.** v. Orbitz Worldwide, Inc. and Orbitz, LLC,* Case No. 2:13-cv-01385, US District Court for the District of Nevada, Consulting and

testifying expert for Plaintiff in case involving alleged infringement of travel and airline reservation system patents. (2014)

- *In the Matter of Certain Wireless Devices, Inv. No. 337-TA-905, United States International Trade Commission, Washington, D.C.*, Consulting and testifying expert for respondents **ZTE, Inc.**, Samsung Electronics America, Inc., Samsung Electronics Co., Samsung Telecommunications America, LLC, Sony Corporation, Sony Mobile Communications (USA) Inc., and Nokia, Inc. (2014)
- **Brightedge Technologies, Inc. V. Searchmetrics GmbH et.al.**, Case No. 3:14-cv-1009-WHO-MEJ, US District Court for the Northern District of California, San Francisco Division, Consulting and testifying expert for plaintiff in software patent infringement case involving big data and search engine optimization technologies. (2014)
- **AssessMD, LLC et.al. v. Bullard et.al.**, Case No. DC-14-05542-B, 44th Judicial District of the State of Texas, Dallas County, Consulting and testifying expert for the plaintiff in software trade secret misappropriation case involving medical diagnostic software. (2014)
- *Agular Systems Incorporated v. Océ Business Services, Inc. n/k/a Canon Business Process Services, Inc.*, Case No. D-1-GN-10-004189, 201st Judicial District of the State of Texas, Travis County, Consulting and testifying expert for defendant in software contract performance dispute. (2014)
- *TLI Communications LLC v. Dropbox Inc.*, Case No. 1:13-cv-01922-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. IAC/InterActiveCorp., CityGrid Media LLC, and Vimeo LLC, Case No. 1:13-cv-01925-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. Imgur LLC., Case No. 1:13-cv-01926-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. Shutterfly Inc., Case No. 1:13-cv-01929-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. Snapchat Inc., Case No. 1:13-cv-01931-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. TripAdvisor Inc., and TripAdvisor LLC., Case No. 1:13-cv-01932-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. WHI Inc. dba WE HEART IT, Case No. 1:13-cv-01934-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. Yelp Inc., Case No. 1:13-cv-01936-GMS, U.S. District Court for the District of Delaware
TLI Communications LLC v. Hall Automotive, LLC, Yahoo! Inc., and Tumblr Inc., Case No: 1:14-cv-137-TSE-IDD, U.S. District Court for the Eastern District of Virginia
TLI Communications LLC v. AV Automotive LLC, For a Song, Inc., Max Media LLC, Twitter, Inc., Vine Labs, Inc., Case No.: 1:14-cv-00138-TSE-IDD, U.S. District Court for the Eastern District of Virginia
TLI Communications LLC v. AV Automotive, LLC, Max Media LLC, Pinterest, Inc., Case No: 1:14-cv-00140-TSE-IDD, U.S. District Court for the Eastern District of Virginia, Consulting and testifying expert for defendants in multidistrict litigation involving alleged software patent infringement claims related to web-based photo capture and archive. Actively involved in reviewing and comparing multiple defendants web based applications and backend systems to extensive and complex set of software patent claims. (2014-2015)

- *Carecloud Corporation v. Athenahealth, Inc.*, Case CBM2014-00143, Patent 7,617,116 B2, United States Patent and Trademark Office before the Patent Trial and Appeal Board, Consulting and testifying expert witness for patent holder in a covered business method patent review regarding medical office management software. (2014-2015)
- **Marathon Reprographics, Inc.** v. *J.E. Dunn Construction Company*, Case No. 1416-CV105, In the Circuit Court of Jackson County, Missouri at Kansas City, Consulting and testifying expert for the Plaintiff in a trade secret misappropriation case involving project management/scheduling software. (2015-2016)
- **R-Squared v. Porzio Life Sciences**, et al, Docket No. MER-L-2187-14, Superior Court of New Jersey, Mercer County: Law Division, Consulting expert advisor to all parties in a trade secrets misappropriation and breach of confidentiality case. (2015)
- **Joint Commission Resources, Inc.** v. *Siskin Technologies, Inc.*, Case No. 14-cv-1843, In the U.S. District Court for the Northern District of Illinois, Eastern Division, Consulting and testifying expert for the Plaintiff in a copyright and trade secret case involving healthcare standards software. (2015)
- **Eros Tours and Travel, Inc.** et.al. v. *Infinitywaves, LLC et.al.*, Case No. 2:14-cv-05095-PA-PJW, In the U.S. District Court for the Central District of California, Consulting and testifying expert for the Plaintiff in a copyright and trade secret case involving travel software. (2015)
- *American Agencies, LLC v. Sajax Software, LLC*, Case No. 2:13-cv-00283-DAK, In the U.S. District Court for the District of Utah, Consulting and testifying expert for the Plaintiff in a trade secret case involving collection letter service software. (2015)
- *IQ, Inc. v. Mobile Medical Corporation*, Case No. 13CI06162, In the Court of Common Pleas of Westmoreland County, Pennsylvania, Consulting and testifying expert for Defendant and Counterclaimant in a contract performance case involving medical compliance software. (2015-2016)
- **Senderra RX Partners, LLC** v. *Spud Software Company, Inc.*, Civil Action No. 3:15-CV-1911-M, In the U.S. District Court for the Northern District of Texas, Dallas Division, Consulting and testifying expert for Plaintiff in a trade secret and confidential information case, including emergency relief, involving specialty pharmaceutical software. (2015)
- *Clearvision Technologies v. First State Bank Abernathy & Tom E. Turner*, Cause No. B39716-1404, In the District Court of Hale County, Texas, 242nd Judicial District, Consulting and testifying expert for Defendant in trade secret case involving banking and check processing software. (2015-2016)
- **Chris Lake** v. *Drilling Info, Inc. et.al.*, Cause No. 14-01-0013-CVW, In the District Court of Wilson County, Texas, 81st Judicial District, Consulting and testifying expert for Plaintiff in contract performance case involving creation of electronic index and database of courthouse records for oil and gas title purposes. (2015-2016)
- *Applied Business Software, Inc. v. FCI Lender Services, Inc. et.al.*, Case No. BC56891, in the Superior Court of the State of California for the County of Los Angeles – Central District, Consulting and testifying expert for Defendant in trade secret case involving mortgage office management and processing software. (2016)

- **Think Tech Labs v. McLabs, LLC d/b/a APTO, et.al.**, Case No. CGC 14-540497, in the Superior Court of California, County of San Francisco, Consulting and testifying expert for Plaintiff in trade secret and intellectual property case involving CRM software for commercial and residential real estate. (2015-2016)
- **Professional Compounding Centers of America, Inc. v. Sogeti USA, LLC**, Case No. 3:15-cv-00239, in the United States District Court of the Southern District of Ohio Western Division (Dayton), Consulting and testifying expert for Plaintiff and Counter Defendant in contract performance case involving rewrite/update of compounding pharmacy management software. (2015-2016)
- *Priority Payment Systems, LLC, et.al. v. Signapay, Ltd, et.al.*, Case No. 2015CV267998, in the Superior Court of Fulton County, State of Georgia, expert for Defendants in trade secret, breach of contract, and state computer systems protection act case involving credit card merchant servicing software. (2015-2016)
- **First American Bankcard, Inc. v. Smart Business Technology, Inc., POWA Technologies, Ltd., Serafin Fuentes, and Carlos Romero**, Case No. 15-CV- 638, in the United States District Court for the Eastern District of Louisiana, consulting and testifying expert for Plaintiff in contract performance and fraud case involving casino cash access software and kiosks. (2017)
- *Team Express Distributing LLC v. Junction Solutions, Inc., Microsoft Corp., and RSM US LLP*, Case No. 5-15-cv-00994, in the United State District Court for the Western District of Texas, San Antonio Division, consulting and testifying expert for Defendants in contract performance and copyright case involving multichannel retail operations and Microsoft Dynamics AX. (2017)
- **Quetel Corporation v. Hisham Abbas et.al.**, Case No. 1:17-cv-00471-AJT-JFA, in the United States District Court for the Eastern District of Virginia, Alexandria Division, consulting and testifying expert for Plaintiff in breach of contract, misappropriation of trade secrets and copyright infringement case involving evidence management software for law enforcement and court related agencies. (2017)
- **Flosports, Inc. v. Cody Branch and Primetime Event and Race Management, LLC.**, Case No. D-1-GN-16-004166, in the District Court of Travis County, Texas, 353rd Judicial District, consulting and testifying expert for Plaintiff in trade secret misappropriation case involving software related to live athletic event time measurement and results tracking and management. (2017)
- **Beatty Street Properties, Inc. and Houston Pilots v. David C. Morrell and Mare Liberum Consulting, LP**, Case No. 2017-14919, in the District Court of Harris County, Texas, 133rd Judicial District, consulting and testifying witness in breach of contract and conversion case involving software used to locate and dispatch vessels and assist them in navigating various waterways and ports. (2017)
- **Wonderworks PTE. LTD. v. Hewlett Packard Company, HP Enterprise Services, LLC., and Hewlett Packard (M) Sdn. Bhd.**, Case No. 114CV273632 in the Superior Court of the State of California, in and for the County of Santa Clara, consulting and testifying expert witness in contract

performance and software licensing case involving financial and regulatory data collection and reporting software (2018)

- *Archie Beaton et.al. v. SpeedyPC Software*, Cause No. 1:13-CV-08389, US District Court for the Northern District of Illinois, Eastern Division – Consulting and testifying expert for Defendant in class action case involving alleged consumer fraud, breach of contract, and deceptive trade practices related to computer scanning and repair software. (2016)
- **Dunster Live, LLC.** v. Lonestar Logos Management Company, LLC., Case No. 1:16-cv-968-LY, in the United State District Court for the Western District of Texas, Austin Division, consulting and testifying expert witness in trade secret and corporate ownership case involving CRM and information management software related to DOT highway sign and advertising management. (2018)
- *VKGS, LLC, d/b/a Video King v. Planet Bingo, LLC and Melange Computer Services, Inc.*, Case No. CI 11-8953, In the District Court of Douglas County, Nebraska, consulting and testifying expert witness in breach of contract and trade secret misappropriation case involving bingo hall management software. (2018)
- **Tech Holdings Corporation, Inc.** v. *Silvain Desmarais, et.al.*, Case No. D-1-GN-17-003800, In the District Court, 53rd Judicial District, Travis County, Texas, consulting and testifying expert witness in trade secret misappropriation case involving online gaming software systems. (2018)
- **Simmonds Precision Products, Inc. (United Technologies)** v. *Eric R. Bechhoefer, et.al.*, Case No. 744-9-16 CNCV, In the Vermont Superior Court, Chittenden Unit, Civil Division, consulting and testifying expert witness in trade secret misappropriation and breach of employee confidentiality agreement case involving aircraft and wind turbine health and usage monitoring systems (HUMS). (2018)
- **TruConsent, Inc. and First Source Medical** v. *CORELinQ Venture, et.al.*, Case No. DC-17-11533, In the District Court, 116th Judicial District, Dallas County, Texas, consulting and testifying expert witness in trade secret and confidential information misappropriation case related to joint venture relationship. (2018)
- **Heartland Payment Systems, Inc.** v. *TechTrex, Inc. et.al.*, Case No. 2013 CH 14521, Circuit Court of Cook County, Illinois County Department, Chancery Division - Consulting and testifying expert for Plaintiff in case involving alleged breach of contract, contract performance and trade secret misappropriation related to multi-housing laundry facility value/revalue cards and software. (2016)
- *BidPrime, LLC v. Smart Procure, Inc. et.al.*, Case No. 1:18-CV-478-RP, In the United State District Court, Western District of Texas, Austin Division, consulting and testifying expert in Federal Computer Fraud and Abuse Act (18 U.S.C. § 1030(A)(2)(C), (A)(4), (A)(5)(B)-(C),&(G)), Stored Wire and Electronic Communications and Transactional Records Access Act (18 U.S.C. §§ 2701(A)(1) & 2707), Texas Harmful Access by Computer Act (TEX. CIV. PRAC.&REM. CODE §§ 143.001, ET. SEQ.), trade secret misappropriation, and breach of contract case involving government bid tracking and notification software. (2018)
- *Productivity-Quality Systems, Inc. v. Cybermetrics Corporation*, Case No. 3:17-CV-00369-WHR, In the United States District Court for the Southern

District of Ohio, Western Division, consulting and testifying expert in trade secret misappropriation case involving statistical process control software. (2018)

- **Finite State Machine Labs, Inc.** v. *Spectracom Corporation, Orolia USA, Inc. and Orolia S.A.*, Case No. 1:17-CV-1040, In the United States District Court, Western District of Texas, Austin, Division, consulting and testifying expert in unfair competition, trade secret misappropriation, and breach of contract case involving clock synchronization software. (2018)
- **Barry Kress** v. *OPMNY, LLC et.al.*, Case No. 4:18-CV-3992, In the United States District Court, Southern District of Texas, Houston Division, consulting and testifying expert in case involving contract performance and forensic evidence case. (2019)
- **Calendar Research LLC** v. *Michael Hunter Gray, StubHub, Inc., Ebay, Inc. et.al.*, Case No. 2:17-cv-04062-SVW-SS, In the United States District Court for the Central District of California, consulting and testifying expert in case involving trade secret misappropriation and breach of contract related to group scheduling software. (2018)
- *Ruekert & Mielke, Inc.* v. **Scott Daniel**, Case No. 18-CV-01164, In the United States District Court for the Eastern District of Wisconsin, consulting and testifying expert in case involving alleged copyright infringement related to geographical information system (GIS) based municipal infrastructure management software. (2019)
- **Uni-Systems, LLC** v. *United States Tennis Association, Inc., et.al.*, Case No. 1:17-CV-0147 (KAM-CLP), In the United States District Court for the Eastern District of New York, consulting and testifying expert in case involving trade secret misappropriation relating to technology for automating retractable roofing systems. (2019)
- **X One, Inc.** v. *Uber Technologies, Inc.*, Case No. 16-CV-06050-LHK, In the United States District Court for the Northern District of California, San Jose Division, consulting and testifying expert in case involving GPS, vehicle location tracking, and location based services (LBS) technologies (2019)
- **Hill Country Trust and Goldstar Investments, Ltd.** v. *Stephen Blair Silverberg*, Cause No. 48010, in the 33rd Judicial District Court, Burnet County, Texas, consulting and testifying expert in case involving breach of fiduciary duty and misappropriation of trade secrets related to online loan/finance marketplace for matching lenders and investors with loan and investment opportunities. (2019)
- **Calsep, Inc. and Calsep, A/S** v. *Intelligent Petroleum Software Solutions, Inc. et.al.*, CIVIL ACTION NO. 4:19-cv-01118, in the United States District Court for the Southern District of Texas, Houston Division, consulting and testifying expert in case involving breach of contract and trade secret misappropriation of trade secrets related to oil and gas pressure-volume-temperature (PVT) analysis software. (2019)
- **4DD Holdings, LLC and T4 Data Group, LLC** v. *The United States*, Case No. 15-945C in the United States Court of Federal Claims, consulting and testifying expert in case involving copyright infringement and software licensing issues related to health care federator software for integration and communication between disparate government technology and agency systems. (2018)

- *Agency MVP, Inc. v. **Farmers Group, Inc. and Farmers Insurance Exchange***, Cause No. 067-304315-18, in the 67th Judicial District Court, Tarrant County, Texas, consulting and testifying expert in case involving breach of contract and misappropriation of trade secrets related to insurance sales lead optimization technology/software. (2019)
- ***Wayne Shamblin et.al.** v. Jacob ("Jake") Tracy and *Weddingspree.com, LLC et.al.**, Case No. DC-C201900925, in the 249th Judicial District Court, Johnson County, Texas, consulting and testifying expert in case involving breach of contract and breach of fiduciary duty related to wedding event and venue planning software and website.
- ***N. Harris Computer Corporation et.al.** v. *DSI Investments, Inc., Digitech Services, Inc., David C. Ogles, and E-Jail, Inc.**, Case No. 1:19-cv-00142-GNS, in the United States District Court, Western District of Kentucky, Bowling Green Division, consulting and testifying expert in case involving copyright, trade secret, and breach of contract claims related to jail management software/technology. (2020)
- ***Enduro Pipeline Services, Inc.** v. *Joel Garringer and Joel Garringer, Inc.** Case No. CJ-2017-04198, in the District Court of Tulsa County, State of Oklahoma, consulting and testifying expert in case involving theft of trade secret claims related to petroleum pipeline inspection (PIG) technology and software systems. (2019)
- ***James G. Miller and Blackland Construction, Inc.** v. *Skyler E. Williams**, Case No. 16-0655-C368, in the 386th Judicial Court of Williamson County, Texas, consulting and testifying expert in case involving forensic analysis for claims of destruction/spoliation of evidence using software to permanently wipe hard drives and storage media. (2020)
- *Arendi S.A.R.L. v. **Sony Mobile Communications (USA), Inc., Sony Ericsson Mobile Communications (USA) Inc. and Sony et.al.***, Case No. C.A. No. 12-1602-LPS,
*Arendi S.A.R.L. v. **Oath Holdings, Inc. and Oath, Inc.*** Case No. C.A. No. 13-920-LPS, in the United States District Court for the District of Delaware, consulting and testifying expert in case involving alleged infringement of patents related to auto-retrieval of addresses and other information as it is typed into a computer program in relation to certain smart phone applications and hardware. (2020)
- ***Empirical Foods, Inc.** v. *Primus Builders, Inc. v. SwissLog Logistics, Inc.**, Case No. 8:19-CV-00457, in the United State District Court for the District of Nebraska, consulting and testifying expert in case involving contract performance and breach of contract related to meat packing plant warehousing and freezer automation software systems. (2020)
- **Misti Hill, et.al.* v. **Bedrock Funding, LLC***, Case No. 5:20-cv-165-DAE in the United States District Court for the Western District of Texas, San Antonio Division, consulting and testifying expert in case involving wage and hour overtime claim and customer relationship management (CRM) software systems, buy here pay here (BHPH) dealer management software, and IP phone system technology. (2020)
- *Ryan Kent v. **NuVasive, Inc.**, et al.*, Case No. MID-L-1470-17, In the Superior Court of New Jersey, Law Division, Middlesex County, consulting and testifying expert in case involving real-time, surgical spinal monitoring systems and software. (2020)

- Prelitigation software project and product performance audit for large German multinational industrial company.
- Special neutral master in arbitration involving forensic analysis and auditing related to a dispute in the multilevel marketing/distribution industry.
- AAA arbitration involving claims of failure to perform under contracts for custom software development for international professional and study exchange services.
- Special master and advisor to the World Bank's International Center for Settlement of Disputes tribunal regarding trade secret and confidentiality involving internationally sensitive materials related to customs software.
- Special master and advisor to arbitration panel and parties in a software trade secret arbitration under the large and complex case rules of the American Arbitration Association involving telecommunication software.
- **2-Wire, Inc.** - Consulting expert related to review and analysis of product economic life for large telecommunications equipment manufacture for use in creating revenue recognition model complying with generally accepted accounting principles. (2008)
- Consulting/not-yet-disclosed expert in a number of additional trade secret, patent, copyright, and contract performance/breach related cases involving the following technology subject matter areas:
 - Healthcare data analytics software and services
 - Software for Property Tax Assessment/Appraisal for taxing authorities
 - Digital Enterprise Software for leading auto rental company
 - Training, certification, and compliance software for Energy industry
 - Tier-1 Insurance underwriting, claims management, and administration
 - 911 Call Center software and services
 - Automated trading software
 - Implementation of software project for large insurance company
 - Node-based licensing and installation of forensic software.
 - Mortgage loan origination and servicing software involving contract performance and project management
 - Patent matter involving computer accessibility
 - Patent matter involving obstacle avoidance for drones and aerial vehicles
 - Patent matter involving wearable device for measuring and tracking physical motion and activity
 - International banking software and technology