

John Levy, Ph.D. – Litigation Support Experience

Summary of experience:

Engaged as an expert in over 35 cases

Trial testimony in four cases

Deposition in six cases

Expert reports/declarations in 9 cases in the past 4 years

Advisor to Federal District Court Judges in 3 cases

Note: Selected engagements shown below; **underlined** engagements are currently active

2007-2008:

Network Appliance v. Sun Microsystems 3:07-cv-06053-EDL

Patents related to storage networks

Role: expert for defendant Sun Microsystems; **testimony at tutorial and Markman hearing**

Status: Markman hearing completed

DLA Piper, Washington, DC & Reston, VA

Clayton Thompson 703 773-4143

Ecompare v. Priceline.com C07-00236 JW

Trade secrets related to software technology

Role: consulting expert for defendant Priceline.com; **expert report**

Status: settled

Sedgwick Detert Moran & Arnold, Los Angeles

James Nelson 213 615-8084

Convolve v. Compaq 00 Civ. 5141 (JSM)

Patents and trade secrets related to hard disk drive management

Role: testifying expert for defendant Compaq (HP); **expert report; deposition**

Status: MSJ filed

Bartlit Beck Herman, Chicago

Chris Landgraaf 312 494-4477

Brian O'Donoghue 312 494-4402

CCCC v. Intel, C 05-01766 RMW (HRL)

Patent related to cache coherency in multiple-bus systems

Role: testifying expert for defendant Intel, **expert report** for claim construction,

testimony at tutorials in 2006 and 2008 and at **Markman hearing**

Status: Motions for Summary Judgment pending

Morrison & Foerster, San Francisco, Palo Alto & Los Angeles

Jim Bennett 415 268-7169

Karl Kramer 650 813-5775

Hector Gallegos 213 892-5255

ProMOS Technologies v. Freescale Semiconductor C06-788 (JJF)

Patents related to cache memories

Role: expert for defendant Freescale

Status: settled

Jones Day, Cleveland, OH

F. Drexel Feeling 216 586-7199

Griffin v. Dell Canada 06-CV-309738 CP

Class action related to putative computer failures

Role: expert for defendant Dell Canada; **expert declaration, deposition**

Status: pending class certification hearing

Gowling Lafleur Henderson, Toronto

Malcolm Ruby 416 862-4314

Hitachi Global Storage Technologies v. Samsung Electronics 9:06-cv-276 RHC

Patents related to hard disk design

Role: expert for plaintiff HGST; **expert declaration for claim construction**

Status: settled

McDermott, Will & Emery, Washington, DC

Michael Connelly 202 756-8037

2006 - 2007:

Pub Util Dist No. 1 of Snohomish Co, Washington v. Black & Veatch Construction

J A M S Arbitration no. 1160015776

Contract dispute related to design and installation of hardware and software

Role: **testimony** and **expert report** for respondent Black & Veatch

Status: arbitration ruling issued

Husch & Eppenberger, Kansas City

Leonard Wagner 816 283-4634

John Power 816 283-4651

EchoStar v. TiVo, 5:05-cv-81-DF-CMC

Patents related to video stream storage

Role: expert for plaintiff EchoStar

Status: on hold pending patent re-examination

Morrison & Foerster, Palo Alto

Marc Pernick 650 813-5718

2005-2006:

Gateway v. HP, 04-cv-0613-B

Patent related to disk drive reserve area

Role: expert for defendant Hewlett-Packard

Status: settled; HP received \$47 million in cross-license agreement
involving this patent and many others

DLA Piper Rudnick Gray Cary, Palo Alto

Brent Yamashita 650 833-2348

LG Electronics v. FIC, 2002 HC C No. 02150

(European) patent on memory controller

Role: expert for defendant FIC

Status: **expert report & rebuttal report** completed

NautaDutilh N.V., Amsterdam, The Netherlands

Charles Gielen *Charles.Gielen@nautadutilh.com*

Maaike de Jong *Maaike.deJong@nautadutilh.com*

Chang v. SBC, San Francisco Superior Unlimited Action No. CGC-04-434039

Personal injury suit related to ASIC design engineering
Role: testifying expert for plaintiff Chang through **deposition**
Status: settled
Meisel & Krentsa, San Francisco,
Andrew Meisel 415 788-2035

SEC matter regarding Quovadx, Inc., HO-9822

Role: consultant related to software industry practice for beta test sites
Status: **expert declaration** submitted as part of response to Wells Notice
Wilson, Sonsini, Goodrich & Rosati, Palo Alto
Jared Kopel 650 493-9300

Seagate Technology v. Atmel Corp., Santa Clara County Superior Court CV809883

Product liability related to putative EEPROM chip failures in disk drives
Role: expert for defendant Atmel; performed data-mining in failure analysis database; repair center visit
Status: settled
Farella Braun + Martel, San Francisco, CA
Nan Joesten 415 954-4415
Bob Holtzaple 415 954-4939

2003-2004:

F5 Networks v. Radware, Inc., C03-688P

Patent related to web servers, cookies, http protocol, networking
Role: neutral expert (technical advisor to Court)
Status: settled after Markman hearing
U.S. District Court, Western District of Washington, Seattle
Hon. Marsha Pechman

Matsushita Kotobuki Electronics v. Maxtor & Quantum, C03-05860 JF

Patents and trade secrets related to hard disk manufacturing
Role: expert for plaintiff MKE; factory visit to identify trade secrets
Status: settled; plaintiff received cash and patent rights in settlement
Weil, Gotshal & Manges, New York – Salvatore Romanello 212 310-8454
Dewey Ballantine, New York – Allan Garcia 212 259-6196

LG Electronics v. FIC et al., C01-01594 CW, C01-00326 CW

Patents on memory controller and multiprocessor cache
Role: testifying expert for defendants FIC and Asustek
Status: **expert report & deposition** completed; favorable ruling on summary judgment
Squire, Sanders & Dempsey, Palo Alto
Ronald LeMieux 650 320-1821 (Paul, Hastings, Janofsky & Walker)
Marc Sockol 650 815-2602 (Sheppard Mullin Richter & Hampton)

Brookhaven Typeset Services v. Adobe C01-20813-RMW

Alleged misappropriation of software trade secrets and copyright infringement
Role: neutral expert (technical advisor to Court)
Status: pending
U.S. District Court, Northern District of California, San Jose
Hon. Ronald Whyte

Oak Technologies v. UMC, 97-20959 RMW, C 97-21126 RMW

Patent on CD ROM controller chip

Role: neutral expert (technical advisor to Court)

Status: pending

U.S. District Court, Northern District of California, San Jose

Hon. Ronald Whyte

(no cases from 1989 to 1999)

1988:

NEC v. Intel Corp, C-84-20799-WPG

Alleged copyright infringement of on-chip microcode

Role: consultant, extensive pre-trial preparation for plaintiff NEC

Status: completed; NEC won 3 of 4 points regarding copyright

Skjerven, Morrill, McPherson, Franklin & Friel, Santa Clara, CA

Alan McPherson

1986:

Seattle Computer Products v. Microsoft

King County Superior Court, State of Washington 86-2-02195-7

Contract dispute involving sale and licensing of DOS operating system

Role: testifying expert for plaintiff SCP; **deposition** and **trial testimony**

Status: settled during jury deliberation; plaintiff received settlement of \$925,000

Bogle & Gates, Seattle, WA

J. Peter Shapiro *J.P.Shapiro@comcast.net*

1978:

Digital Equipment Corp v. Microcomputer Systems Corp

Patents on peripheral controller bus

Role: **percipient witness** as inventor for plaintiff Digital, **deposition and testimony at trial**

U.S. District Court, Northern District of California, San Francisco

Cesari & McKenna, Boston

Martin O'Donnell 617 951-3046

Additional Consulting Engagements – John Levy, Ph.D.

California State Automobile Association (AAA of Northern California)

Consulting on business issues related to IT projects and Agile software development
Mark Williams, Director, Market Capabilities - Sales & Market Development 415 565-2680
Craig Butler, VP, Internet Channel – 415 415 241-3277

Aceurity, Inc. (semiconductor design & marketing for high-definition video consumer devices)

Consulting on intellectual property, business partnerships, hard disk storage,
general business issues; the company is seeking venture funding
Vijay Desai, CEO & CMO 510 673-7863
Pankaj Patel, CTO 408 888-3441

Reactrix Systems, Inc. (designs and manufactures interactive video display systems)

Consultation on intellectual property strategy, evaluation of patent applications and
competitive technology
Matthew Bell, Chief Scientist 650 400-6288
Peter Bardwick, CFO 415 385-4523

Pure Digital Technologies, Inc. (designs and manufactures digital one-time-use cameras)

Evaluation of patent applications and search for further patentable inventions;
Consultation for VP-Engineering on product development process and engineering
organization
John Furlan, VP-Engineering 650-888-9942
Andre Neumann-Loreck, VP-Operations 415 519-3954

Veritas Software Corporation

Independent audit of a Cisco/IBM Storage Area Network software product, to determine
compliance with a Cisco/Veritas contractual agreement
Latham & Watkins, Chicago
David Nelson 312 876-7700

Solidus Networks dba Pay By Touch

Patent portfolio evaluation preparatory to an acquisition
Steve Zelinger (in-house counsel) 650 438-3434