

## John Levy, Ph.D. – Litigation Support Experience

### Summary of experience:

*Engaged as an expert* in 35 cases

*Court testimony* in six cases

*Deposition* in six cases

*Expert reports/declarations* in 9 cases

*Neutral advisor to Federal District Court* in 3 cases

Note: underlined engagements are currently active

### 2008-2009:

#### **Mirror Worlds v. Apple** 6:08-CV-88 LED

Patents related to stream-based information management

Role: expert for plaintiff Mirror Worlds

Status: pending

*Stroock & Stroock & Lavan, New York*

Joseph Diamante 212 806-5472

Ken Stein 212 806-5491

#### **Xpoint Technologies v. Intel et al.** 09-CV-0026 SLR

Patents related to recovery system for computers

Role: expert for plaintiff Xpoint Technologies

Status: in discovery

*Bernstein Litowitz Berger & Grossman, New York*

Chad Johnson 212 554-1396

*Sughrue Mion, Washington, DC*

William Mandir 202 663-7959

#### **Synchrome Technology v. Pioneer Electronics (USA) et al.** 1:09cv443

Patents related to tape backup device interfacing

Role: expert for plaintiff Synchrome Technology

Status: pending

*Steptoe & Johnson, Washington, DC*

R. Whitney Winston 202 429-3018

#### **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 Landgraff 312 494-4477

Brian O'Donoghue 312 494-4402

#### **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

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

Patent related to cache coherency in multiple-bus systems

Role: expert for defendant Intel, **expert report** for claim construction,  
**testimony** at tutorials in 2006 and 2008

Status: Motion for Summary Judgment granted with respect to non-infringement

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

Jim Bennett 415 268-7169

Karl Kramer 650 813-5775

Hector Gallegos 213 892-5255

**Chamberlain v. Overhead Door** 08-CV-3806

Patent related to garage door operator

Role: expert for defendant Overhead Door

Status: settled; **expert report & deposition**

*Latham & Watkins, Chicago*

Ken Schuler 312 876-7700

Kevin May 312 876-7677

**OPTi v. AMD et al.** 2:07-cv-278 TJW

Patents related to low-pin-count bus for PC

Role: consulting expert for defendant AMD

Status: in discovery

*Ropes & Gray, Palo Alto*

Gabrielle Higgins 650 617-4015

**PC Doctor v. Ultra-X**, CV06-1729 (GAF)

Patent related to USB bus testers

Role: expert for defendant Ultra-X

Status: settled

*Tingley Piontkowski, San Jose*

Bruce Piontkowski 408 283-7000

**McCabe v. Dell** CV06-7811 GAF

**Carideo v. Dell** C06-1772 JLR

Class actions related to putative PC failures

Role: consulting expert for defendant Dell

Status: unknown

*Reeves & Brightwell, Austin, TX*

Kim Brightwell 512 334-4502

**Ecompare v. Priceline.com** C07-00236 JW

Trade secrets related to software technology

Role: expert for defendant Priceline.com; **expert declaration**

Status: settled

*Sedgwick Detert Moran & Arnold, Los Angeles*

James Nelson 213 615-8084

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

Patents related to cache memories

Role: consulting expert on invalidity 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**; inspection of units

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: unknown

*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](mailto:Charles.Gielen@nautadutilh.com)

Maaïke de Jong [Maaïke.deJong@nautadutilh.com](mailto:Maaïke.deJong@nautadutilh.com)

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

Personal injury suit related to ASIC design engineer

Role: testifying expert for plaintiff Chang, **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

**[individual v. a major PC manufacturer]**

Potential class action suit related to alleged PC failures

Role: consultant for defendant [name withheld]; testing of PC units

Status: settled

*Morgan Lewis & Bockius, Philadelphia*

Barry McCoy 215 963-5896

**Measurement Computing v. National Instruments**, 03-10107REK (D. Mass)

Patent related to industrial control computer systems

Role: consultant for plaintiff Software

Status: settled

*Cesari & McKenna, Boston*

Martin O'Donnell 617 951-3046

Mike Reinemann 617 951-3060

**Micron v. Motorola**, A04-CA-007, A04-CA-390-LY

Patent related to ATA interface

Role: consultant for defendant Motorola

Status: settled

*Merchant & Gould, Atlanta & Minneapolis*

George Jordan 404 954-5088

Tom Strouse 612 336-4606

**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; data-mining in failure analysis database; repair center visit

Status: settled

*Farella Braun + Martel, San Francisco, CA*

Nan Joesten 415 954-4415

Bob Holtzapfel 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); tutorial for Court; attended Markman hearing

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 650.632.4325 (Brown Raysman Millstein Felder & Steiner)

### **LG Electronics v. FIC et al.**, C01-01375 CW

Patents on memory controller and multiprocessor cache

Role: testifying expert for defendant Compal

Status: **expert report & deposition** completed; favorable ruling on summary judgment

*Orrick, Herrington & Sutcliffe, Menlo Park*

Kai Tseng 650 614-7688, Rowena Y. Young 650 614-7370

### **Brookhaven Typeset Services v. Adobe** C01-20813-RMW

Alleged misappropriation of software trade secrets and copyright infringement

Role: neutral expert (technical advisor to Court); report on “meet & confer” session

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); review of proposed Markman order

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 on 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 **trial testimony**

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

*Cesari & McKenna, Boston*

Martin O'Donnell 617 951-3046

## **Other Consulting Engagements – John Levy, Ph.D.**

### **American Automobile Association** (AAA of Northern California, Nevada & Utah)

Consulting on business and management issues related to IT projects and Agile software development

Mark Williams, Director, Market Capabilities - Sales & Market Development 415 565-2680

Craig Butler, VP, eBusiness 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 650 980-2775

### **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