

John Levy, Ph.D. – Litigation Support Experience

Summary:

Engaged as an expert in over 50 cases
Testimony at trial or arbitration in 7 cases
Testimony at Markman or tutorial in 5 cases
Deposition in 20 cases
Expert report or declaration in 28 cases
Expert (neutral) advisor to Court in 3 cases

Note: **underlined** engagements are currently active

2013-2014:

Crossroads Systems v. Dot Hill Systems Corp. 1:13-cv-00800-SS W.Dist.TX (Austin)
and **Oracle** -00895, **Huawei** -01025, **Cisco** -00148, **NetApp** -00149, **Quantum** -00150
Patents related to virtual local storage
Role: expert for plaintiff Crossroads Systems; **expert report, deposition & testimony** for Markman
Status: Markman hearing completed
Sprinkle IP Law Group, Austin
John Adair 512 637-9223 Elizabeth Brown Fore 512 637-9220 Steven Sprinkle 512 637-9221

Inter-Partes Reexamination (re Enova v. Seagate 1:13-cv-01011-LPS Dist.Delaware)
Patents related to encryption of data to/from disk drives
Role: expert for petitioner Seagate;
Status: preparing petition
Faegre Baker Daniels – Palo Alto
Calvin Litsey 650 324 6708

Inter-Partes Reexamination (re Arendi v. Apple 1:12-cv-01596-LPS Dist. Del.,
Arendi v. Motorola Mobility 1:12-cv-01601-LPS Dist. Del.)
Patents related to handling of name and address retrieval across applications
Role: expert for patent owner Arendi; **expert declarations, depositions**
Status: awaiting decisions
Sunstein Kann Murphy & Timbers – Boston
Robert Asher 617 443-9292 Bruce Sunstein 617 443-9292 John Stickevers 617 443-9292

Inter-Partes Reexamination (re Veeam v. Symantec)
Patents related to backup/restore and data replication
Role: expert for patent owner Symantec Corp.; **expert declarations, depositions**
Status: awaiting decisions
Bryan Cave – St. Louis & New York
Dan Crowe 314 259 2619 Joe Richetti 212 541 1092 Hassan Albakri 212 541 2035

Avid v. Harmonic 1:11-cv-01040-GMS Dist.Delaware
Patents related to distributed video data storage
Role: expert for Defendant Harmonic, **expert reports on noninfringement & invalidity, depositions, trial testimony**
Status: jury verdict found no infringement
Wilson Sonsini Goodrich & Rosati – San Francisco & Palo Alto
James Yoon 650 493-9300 Matt Sumida 650 493-9300

DDB Technologies v. Fox Sports Interactive et al. 1:11-cv-01014-LY W.Dist.TX (Austin)
Patents related to broadcasting sports events for animation on a computer
Role: expert for Plaintiff DDB Technologies; **declaration, expert reports on infringement & validity, depositions, trial testimony**
Status: trial complete; jury found no infringement
McDonnell Boehnen Hulbert & Berghoff – Chicago
Rory Shea 312 913-3337 Michael Gannon 312 913-2139

Ericsson v. Samsung ITC 337-TA-862
Patents related to Java interpreter and user input
Role: expert for Respondent Samsung, **expert reports on noninfringement, deposition**
Status: patents dropped from ITC case 3 weeks before trial
Fish & Richardson – Washington, DC
Ahmed Davis 202 626-6379

CSR v. Freescale 3:12-cv-02619-RS N.Dist.CA
Patents related to serial interface
Role: expert for Plaintiff CSR
Status: settled
DLA Piper – Palo Alto & San Francisco
Timothy Lohse 650 833-2055

SuperSpeed v. Google 4:12 cv 01688 (S.Dist.TX)
Patent related to caching in a network
Role: expert for Defendant Google
Status: unknown
Kasowitz Benson Torres & Friedman – Redwood Shores, CA
Gabriel Gross 650 453-5414

Mediatek v. Freescale 4:11-cv-05341-YGR N.Dist.CA
Patents related to bus priority and transfers
Role: expert for Plaintiff Mediatek
Status: unknown
Wilmer Cutler Pickering Hale and Dorr – Palo Alto & New York
Adele Frankel 212 937 7273

Robocast v. Microsoft 1:10-cv-01055 Dist.Delaware
Patent related to automated browsing system
Role: expert for Defendant Microsoft
Status: unknown
Fish & Richardson – Boston
Sivananda Reddy 617 521-7085

2011-2012:

Summit Data Systems v. EMC & NetApp 1:10-cv-00749-GMS Dist.Delaware
Patents related to file access over multiple network connections
Role: expert for Plaintiff Summit Data Systems, **expert report, deposition**
Status: settled
Morris, Manning & Martin LLP – Atlanta
Bryan Harrison 404 504-7619

Tropicana Las Vegas v. Weseri et al. Clark County, NV, Case no. A618625

Breach of contract dispute related to in-room television services

Role: expert for Plaintiff Tropicana Las Vegas, **expert report**

Status: settled

Glaser Weil Fink Jacobs Howard Avchen & Shapiro LLP – Los Angeles

Brad Parr 310 282-6241

Advanced Processor Technologies v. Analog Devices et al. 2:11-cv-00019-JRG E.Dist.TX

Patents related to instruction cache, translation lookaside buffers, virtual pages

Role: expert for co-defendant Marvell

Status: settled

Fish & Richardson P.C., Redwood City, CA

Joseph Colaianni, Jr. 202 626-6434 Jerry Yen 650 839-5012

Mentor Graphics v. EVE-USA 3:10 CV 954 HU Dist.Oregon

Patent related to circuit design emulation

Role: expert for defendant EVE

Status: counsel changed as EVE was acquired by Synopsys

Cooley LLP, Palo Alto

Ricardo Rodriguez 650 843-5000

Inter Partes Reexamination of US Patent 6,993,661 (re_Garfinkle v. Decru & NetApp 5:07cv19)

Patent related to sanitizing disk storage units

Role: expert for Patent Owner Garfinkle; **declaration**

Fortkort & Houston, P.C., Austin, TX

Michael Fortkort 703 435-9390

MonkeyMedia v. Apple, 1:10-cv-00319 W.Dist.TX (Austin)

MonkeyMedia v. Buena Vista et al. 1:10-CV-00533

Patents related to user interfaces with salience controls; seamlessly expanding;

Role: expert for plaintiff MonkeyMedia; **Expert report on claim construction, deposition & testimony at Markman**

Status: awaiting completion of reexam

Graves Dougherty Hearon & Moody, Austin

Steven Smit 512 480-5653

Crossroads Systems v. 3PAR et al. 1:10-cv-652-SS W.Dist.TX (Austin)

Crossroads Systems v. Infortrend Corp. et al. 1:10-cv-104-SS

Patents related to virtual local storage

Role: expert for plaintiff Crossroads Systems; **expert report** for Markman

Status: Settled

Sprinkle IP Law Group, Austin

John Adair 512 637-9223 Elizabeth Brown Fore 512 637-9220 Steven Sprinkle 512 637-9221

In the matter of certain USB portable storage devices, ITC 337-TA-788 TRE

Patents related to encryption in flash drives

Role: expert for Respondent Imation; **expert reports, deposition**

Status: complaint withdrawn after expert report & deposition

Dorsey & Whitney, New York & Minneapolis

Paul Ackerman 212 415-9372

In the matter of certain DRAM and NAND flash memory devices ITC 337-TA-803 EJG

Patents related to memory chip design

Role: expert for Complainant; **expert report, deposition, testimony** in Markman

Status: my role as expert carried only through Markman hearing

Irell & Manella, Los Angeles

Brian Ledahl 310-203-7927

Enova v. Initio et al. 10-004-LPS Dist.Delaware

Patents related to disk data encryption
Role: expert for defendants including Western Digital
Status: case taken over by K&L Gates
Connolly Bove Lodge & Hutz, Los Angeles
Manuel Nelson 213 787-2515

Garfinkle v. Decru and Network Appliance 5:07cv19

Patent related to sanitizing disk storage units
Role: expert for Plaintiff Garfinkle; **declaration**
Status: patent reexamination pending
Bernstein Litowitz Berger & Grossman, New York
Joshua Raskin 212 554-1590

Convolve v. Dell et al. 2:08-cv-244 E.Dist.TX (Marshall)

Patents related to hard disk drive management
Role: expert for co-defendant Western Digital; **trial testimony, expert report on noninfringement, deposition**
Status: trial complete, jury awarded minimal damages
Irell & Manella, Los Angeles
Garland Kelley (310) 282-6215 (now at Glaser Weil) Richard Birnholz 310 203-7052

Xpoint Technologies v. Intel et al. 09-CV-0026 SLR Dist.Delaware

Patents related to backup & recovery in computers
Role: expert for plaintiff Xpoint Technologies - **expert report on infringement**
Status: settled
Bernstein Litowitz Berger & Grossman, New York
Chad Johnson 212 554-1396
Sughrue Mion, Washington, DC
John Rabena 202 663-7472 Kelly Hyndman 202 663-7404

Lenovo v. Shuttle, 5:08-CV-3454 JF

Patents related to BIOS and power management
Role: expert for defendant Shuttle
Status: settled
Sidley Austin, Palo Alto
Robert Morrill 650 565-7010 Peter Kang 650 565-7006

2009-2010:

Mirror Worlds v. Apple 6:08-CV-88 LED E.Dist.TX (Tyler)

Patents related to stream-based information management
Role: expert for plaintiff Mirror Worlds; **trial testimony, expert report, deposition**
Status: jury award overruled by JMOL, validity affirmed; CAFC affirmed JMOL
Stroock & Stroock & Lavan, New York
Joseph Diamante 212 806-5472 Ian DiBernardo 212 806-5867 Ken Stein 212 806-5491
Ireland Carroll & Kelley, Tyler, TX
Otis Carroll 903 561-1600

Watson v. Raytheon 37-2008-00084769-CU-OE-CTL

Class action related to wage & hour laws for software engineers
Role: expert for defendant Raytheon; **expert declaration**
Status: settled
DLA Piper, San Diego
John Fitzsimmons 619 699-2972 Rick Storms 619 699 3526

2008-2009:

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: settled

DLA Piper, Washington, DC & Reston, VA

Clayton Thompson 703 773-4143

CCCC v. Intel, C 05-01766 RMW (HRL) N.Dist.CA (San Jose)

Patent related to cache coherency in multiple-bus systems

Role: expert for defendant Intel, **expert report for claim construction, testimony** at tutorials

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

Status: settled;

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: pending

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

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 County, WA v. Black & Veatch Construction

J A M S Arbitration no. 1160015776 (Seattle, WA)

Contract dispute related to design and installation of hardware and software

Role: **expert report and testimony at arbitration** 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: patent re-exam pending

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

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 NV, Amsterdam, The Netherlands

Charles Gielen Charles.Gielen@nautadutilh.com

Maaïke de Jong Maaïke.deJong@nautadutilh.com

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

Personal injury suit on behalf of an ASIC design engineer

Role: expert on design engineering job requirements for plaintiff Chang, **deposition**

Status: settled

Meisel & Krentsa, San Francisco,

Andrew Meisel 415 788-2035

SEC matter regarding Quovadx, Inc., HO-9822

Role: expert on 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 Dist.MA

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 (CA) 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 inspection

Status: settled

Farella Braun + Martel, San Francisco, CA

Nan Joesten 415 954-4415

Bob Holtzapple 415 954-4939

2003-2004:

F5 Networks v. Radware, Inc., C03-688P W.Dist.WA

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 (MKE) 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 on noninfringement & deposition** completed;

favorable ruling on summary judgment

Squire, Sanders & Dempsey, Palo Alto

Ronald LeMieux 650 843-5499 (Cooley LLP)

Marc Sockol 650 815-2602 (Sheppard Mullin Richter & Hampton)

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 on noninfringement & 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 N.Dist.CA (San Jose)

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 N.Dist.CA (San Jose)

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; plaintiff 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 (WA) Superior Court 86-2-02195-7

Contract dispute involving sale and licensing of DOS operating system source code

Role: testifying expert on software versions for plaintiff Seattle Computer Products;

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 N.Dist.CA (San Francisco)

Patents on peripheral controller bus

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

Cesari & McKenna, Boston

Martin O'Donnell 617 951-3046

Other Consulting Engagements

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 925 951 3223
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

Vijay Desai, CEO & CMO 510 673-7863
Pankaj Patel, CTO 408 888-3441

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

Consulting 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. [acquired by Cisco Consumer Products]

(designed and manufactured the Flip digital video camera)
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/Manufacturing 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