

Peter M. Martin

Expertise

- E-commerce Systems
 - Financial Systems
 - Control Systems
 - Source Code Analysis
 - Web-based technologies
 - Programming languages: C++, Java, SQL, Tcl, assembler
 - Software Engineering
 - Quality Assurance and Test
 - Regulatory Compliance
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Professional Summary

Mr. Martin has over 30 years of experience with software development, test, evaluation, and management. His software engineering experience encompasses large, global software systems, as well as applications and components for smaller niche markets. Projects utilizing his technical and programming skills have ranged from low-level device drivers to high-level, web-enabled, commercial applications.

Employment History

From: 2003- **Independent Consultant**

To: Present

Position *Principal*

Consulting and testifying expert for litigation involving commercial software systems as intellectual property: patents, copyrights, trade secrets, contracts. Litigation experience has included analysis of source code from:

- Internet giants, including Amazon, Google, RIM, Sun Microsystems, and PayPal
- niche providers of information management systems in diverse markets, including construction, mining, school enrollment, health services, and flower delivery
- an embedded systems manufacturer of pacemakers

Testifying experience has included multiple summary judgement hearings and multiple depositions.

- Date: 2001 **METILINX, INC.**
Position: *Director of Product Marketing*
Recruited by the Founder and senior management to champion the core product during first go-to-market launch, drive product development, and contribute to the sales process.
- Developed product descriptions and key presentations; positioned the product in the marketplace.
 - Promoted the product to industry analysts and trade press, resulting in published articles.
 - Developed and refined training curriculum; repeatedly delivered multi-day technical training courses.
- From: 2000 **KNOWLEDGEFIRST, INC.**
To: 2001
Position: *Vice President of Engineering*
Recruited by the Founders to increase productivity and flexibility in new product development, and lead technical transition from startup mode to revenue-generating, pre-IPO stage.
- Defined and interpreted an ASP model; initiated product line conversion from B2B exchange model.
 - Managed department of 16 for product development, SQA and IT.
- From: 1999 **RATESTREAM.COM**
To: 2000
Position: *Chief Technical Officer/Vice President of Engineering*
Recruited by the Founders to anchor corporate management team, build the Engineering Department, productize technology, and establish day-to-day technical operations for this Internet startup.
- Defined product line, productized technology, and shipped first version of product within 9 months.
 - Built engineering organization up to 7 people that created product, service, IS, and web sites.
 - Drove business strategy, guided business development and mentored marketing.
 - Built LAN/Internet with open source technologies.
 - Member of the founding executive management team and alternate to the Board of Directors.
- From: 1997 **VISA INTERNATIONAL**
To: 1999
Position: *Director, Software Engineering Process; Senior Systems Architect*
Recruited by senior management to re-architect an existing system and introduce modern OO technology into mission-critical legacy

payment systems for this global credit card processing company.

- Led 3 cross-functional engineering teams to disseminate architecture, design, and object technology.
- Evangelized a methodology framework and led process improvement for a \$400+ million program.
- Established and applied processes for the evaluation and adoption of modernizing technologies.
- Advised senior management on methodology and technology adoption strategies.
- Edited a 267-page, VISA-commissioned book on Java guidelines for large-scale projects.
- Managed the development and adoption of initiatives to achieve CMM Level 3.
- Created and managed an internal web site for posting engineering project information.

From: 1996 **VERITY, INC.**

To: 1997

Position: *Program Manager; Senior Software Engineer*

Recruited by the Director of Engineering to manage the core development team and improve engineering processes for a manufacturer of search and retrieval software with revenues of \$65 million.

- Systematized product line and successfully coordinated a major product release within 3 months.
- Managed internationalization of core product for European and Asian markets.

From: 1990 **TALIGENT, INC.**

To: 1996

Position: *Senior Engineer, Development Systems*

Retained as a core engineering team member when Taligent was created as an Apple-IBM joint venture.

- Developed testing framework and features for a proprietary IDE (a software development product).
- Designed, developed, and implemented object-oriented techniques in C++ for application testing.
- Managed quality initiatives to reduce product defects during application development.

From: 1988 **APPLE COMPUTER, INC.**

To: 1990

Position: *First-line Manager, Software Quality Assurance; Test Engineer*

Managed team of up to 12 people that developed and applied tools for functional testing of Mac OS components. Directed testing of new features in updated versions of the Mac OS.

- Evangelized new testing approaches that improved productivity.
- Initiated use of C++ for Mac OS test tools that validated functionality for OS Systems 6 and 7.

From: 1983 **IMATRON, INC.**

To: 1987

Position: *R&D Project Manager/Physicist*

Recruited by the Founder to improve overall product performance for this manufacture of CT scanners.

- Analyzed generic product behavior and diagnosed operational defects in electronics, X-rays, and electron beam dynamics.
- Developed and conducted a quality assurance program to comply with FDA regulations.
- Improved CT reconstruction algorithm for distortion effects.
- Supported research studies involving EKG-triggered CT scans.

From: 1974 **VETERANS HOSPITAL, SAN FRANCISCO**

To: 1977

Position: *Radiation Physicist*

Supported medical research and medical procedures that involved radioactive materials, data acquisition and statistical analysis.

- Developed both low-level and application-level software to enable and enhance data acquisition and analysis by new imaging equipment in Nuclear Medicine.
- Monitored handling and exposure risks of radioactive materials used in research, medical diagnosis and therapy.
- Conducted and supported clinical research involving radioactive materials and radiation measurements.
- Provided technical support for complex diagnostic equipment in Nuclear Medicine.

From: 1968 **U.S. NAVY**

To: 1970

Position: *Instructor, Nuclear Power School*

Taught technical courses to enlisted men and officers who were in training for the Navy's Nuclear Power program. Served as Division Officer to students assigned to a training school.

- Courses included: Radiation Chemistry, Materials Science, Biological Effects, and Nuclear Engineering.

From: 1967 **U.S. NAVY**

To: 1968

Position: *Physicist (civilian), Special Projects Office, at Lockheed Missiles and Space Company*

Oversaw contractor fulfillment of technical requirements for electronics intended for use on submarine-based ballistic missiles.

Litigation Support Experience

Date: 2011 Haynes and Boone, LLP (Dallas)
Case Recursion Software, Inc. v. Double-Take Software, Inc.
Project: Copyright infringement and breach of contract
Status: Pre-trial

Date: 2010-11 Thompson & Knight, LLP (Dallas)
Case Touchcom, Inc. and Touchcom Technologies, Inc v. Bereskin & Parr LLP.
Project: Negligence during patent prosecution
Status: Settled

Date: 2010-11 Bickel & Brewer (Dallas)
Case NearStar, Inc. v. J. Waggoner, et al.
Project: Copyright infringement
Status: Settled

Date: 2010-11 Robins, Kaplan, Miller & Ciresi, LLP (Minneapolis)
Case Fair Isaac Corporation. v. Actimize, Inc.
Project: Patent infringement
Status: Mediation pending

Date: 2010 Newton Remmel (Mountain View, CA)
Case One Beacon Insurance Co. v. Zippy USA
Project: Breach of contract
Status: Settled

Date: 2009-10 Niro, Scavone, Haller & Niro (Chicago)
Case IP Innovations v. Google, Inc.
Project: Patent infringement and invalidity
Status: Settled

Date: 2009 Sheppard Mullin Richter & Hampton (Los Angeles)
Case Nulinx International, Inc. v. Servue Solutions, Inc.
Project: Copyright infringement
Status: Settled

Date: 2008 Skadden, Arps, Slate, Meagher & Flom, LLP (Palo Alto)
Cases Versata Software, Inc, et al. v. Sun Microsystems, Inc.
Project: Breach of contract, trade secrets, patent infringement
Status: Judgment for Sun Micro on all claims; patents-in-suit invalidated

Date: 2006-7 Heller Ehrman (San Francisco)
Case: Systems America, Inc. v. Rockwell Software, Inc.
Project: Copyright infringement, trade secrets
Status: Dropped

Date: 2006 DLA Piper (Sacramento)
Case: Meridian Project Systems v. Hardin Construction Company, Computer Methods International Corp.
Project: Trade secrets
Status: Settled

Date: 2006 Howrey Simon
Case: Rasterex Holdings, LLC v. Research In Motion, Ltd.
Project: Breach of contract, trade secrets
Status: Settled

Date: 2006 Paul Hastings
Case: Amazon.com, Inc. v. Cendant
Project: Patent infringement; 4 patents
Status: Dropped

Date: 2006 Adorno Yoss White & Wiggins
Case: KSM Associates v. ACS States Healthcare
Project: Breach of contract
Status: Settled

Date: 2005 Chuhak & Tecson
Case: Autotech Technologies, LLP v. AutomationDirect.com
Project: Breach of fiduciary duty, proprietary software
Status: Summary judgment decided on appeal

Date: 2005 Schneider & Williams
Case: Harrington, et al. v. ChoicePoint, Inc.
Project: Breach of contract, breach of privacy, fraud
Status: Settled

Date: 2005 Fish & Richardson
Case: Tektronix, Inc. v. LeCroy Corporation
Project: Patent Infringement
Status: Settled

Date: 2004-5 Snell & Wilmer
Case: Modular Mining, Inc. v. Jigsaw Technologies
Project: Trade Secrets, Expert Declaration re proprietary software
Status: Summary Judgment

Date: 2004-5 Jones Day
Case Soverain Software v. Amazon, Inc and The Gap, Inc.
Project: Patent Infringement, Claim Construction
Status: Settled

Date: 2004 McAndrews Held and Malloy, Ltd.
Case Medtronic, Inc. v. Guidant Corp.
Project: Patent Infringement, Claim Construction
Status: Settled

Date: 2004 Silicon Valley Law Group / Techmart
Case Teleflora v. FTD
Project: Trade Secrets, Expert Declaration re proprietary software
Status: Summary Judgment

Date: 2003 Hunton and Williams
Cases FirstUSA/BankOne v. Paypal;
TradeCard v. S1 Corporation and Bank of America
Project: Patent Infringement, Expert Report on Claim Construction,
Deposition support
Status: Settled

Professional Associations

- Pacific Northwest Software Quality Conference, Program Co-Chair 1994 - 1995
- IEEE, Computer Society, Member since 1993
- Association of Computing Machinery, Member since 1993

Journals with Publications

- Gastroenterology
- American Journal of Digestive Diseases
- Radiation Research
- Journal of Nuclear Medicine

Education

<u>Year</u>	<u>College/University</u>	<u>Degree</u>
1977 – 1983	U. C. Berkeley	Advanced graduate work, Biophysics
1969	U. C. Berkeley	M.S., Nuclear Engineering
1967	Stanford University	B.S., Physics