

**Silicon Valley Expert Witness Group, Inc.**  
**An LECG Company**  
**Consultant Curriculum Vitae**

## **Peter M. Martin**

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### **Expertise**

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

Mr. Martin has over 25 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*

Technical expert on legal cases requiring expertise in software systems, emphasizing business process, financial, and data acquisition systems. Litigation experience:

- Systems America, Inc. v. Rockwell Software Inc. (copyright; trade secrets; pre-hearing)
- Meridian Project Systems v. Hardin Construction Company,
- Computer Methods International Corp. (trade secrets; conversion; settled)
- Rasterex Holdings, LLC. v. Research In Motion (trade secrets; pending)
- KSM Associates v. ACS States Healthcare (breach of contract; settled)
- Autotech Technologies, Ltd. v. AutomationDirect.com (fraud; appeal denied)
- Amazon.com, Inc. v. Cendant (patent infringement; dropped)
- Harrington, et al. v. ChoicePoint, Inc.(breach of contract,

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fraud)

- Tektronix, Inc. v. LeCroy Corporation (3 patents; settled)
- Modular Mining v. Jigsaw Technologies (trade secrets)
- Soverain v. Amazon and The Gap (3 patents; settled)
- Guidant v. Medtronic (3 patents; settled)
- Teleflora v. FTD (trade secrets)
- FirstUSA/BankOne v. Paypal
- TradeCard v. S1 Corporation and Bank of America

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

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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.
- Designed object-oriented framework in C++ to replace a legacy payment system.
- 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.
- Developed infrastructure and processes that improved product development.

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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 test cycle 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.

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- 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: *1968-1970: 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.

*1967-1968: Physicist (civilian)*

Special Projects Office, at Lockheed Missiles and Space Company  
Oversaw fulfillment of technical requirements by contractor for electronic components and circuitry intended for use on ballistic missiles.

### **Litigation Support Experience**

Date: 2006-07 **Heller Ehrman (San Francisco, CA)**

Case Systems America, Inc, et al. v. Rockwell Software, Inc. et al.  
U.S. Northern District of California, San Jose Division;  
No. 03-CV-02232 JF (RS)

Project: Copyright; Trade Secrets

Status: Pre-trial

Date: 2006 **Howrey Simon (Chicago, IL)**

Case Rasterex Holdings, LLC v. Research In Motion, Ltd, et al.  
Superior Court, Fulton County, Georgia, 2003-CV-76785

Project: Breach of Contract; Trade Secrets

Status: Trial pending

Date: 2006 **DLA Piper (Sacramento, CA)**

Case Meridian Project Systems v. Hardin Construction Company, Computer Methods International Corp.  
U.S. Eastern District of California, Sacramento Division; No. CIV.S – 04-2728 FCD DAD

Project: Trade Secrets

Status: Settled

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Date: 2006      **Adorno Yoss White & Wiggins (Dallas, TX)**  
Case      KSM Associates, Inc. v. ACS State Healthcare, LLC  
                 Court of Common Pleas, Bucks County, Pennsylvania  
                 Civil Action No. 0504417  
Project:      Breach of Contract  
Status:      Settled

Date: 2005      **Chuhak & Tecson (Chicago, IL)**  
Case      Automation Technologies, LLP v. AutomationDirect.com  
                 U.S. Northern District of Illinois, Eastern Division; 05 C 5488  
Project:      Breach of fiduciary duty, proprietary software  
Status:      Settled

Date: 2005      **Schneider & Williams (San Francisco, CA)**  
Case      Harrington, et al. v. ChoicePoint, Inc.  
                 U.S. Central District of California; CV05 1294 MRP (JWJx)  
Project:      Breach of contract, breach of privacy, fraud  
Status:      Motion to Dismiss denied

Date: 2005      **Fish & Richardson (Redwood City, CA)**  
Case      Tektronix, Inc. v. LeCroy Corporation  
                 U.S. District of Oregon; 03-544-MO  
Project:      Patent Infringement  
Status:      Pre-Markman; Settled

Date: 2004-5      **Snell & Wilmer (Tucson, AZ)**  
Case      Modular Mining, Inc. v. Jigsaw Technologies  
                 Superior Court, Pima County, Arizona; C20046306  
Project:      Trade Secrets, Expert Declaration re proprietary software  
Status:      Preliminary Injunction ruling pending

Date: 2004-05      **Jones Day**  
Case      Soverain Software v. Amazon, Inc. and The Gap, Inc.  
                 U.S. Eastern District of Texas; 6:04CV14  
Project:      Patent Infringement, 3 patents  
Status:      Settled

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Date: 2004      **Silicon Valley Law Group / Techmart (San Clara, CA)**  
Case      Teleflora v. FTD  
            U.S. Northern District of California, San Jose Division; C 03-05858  
            JW  
Project:      Trade Secrets, Expert Declaration re proprietary software  
Status:      Summary Judgment

Date: 2004      **McAndrews Held and Malloy, Ltd. (Minneapolis, MN)**  
Case      Medtronic, Inc. v. Guidant Corp.  
            U.S. District of Minnesota; 00-1473 (MJD/JGL)  
Project:      Patent Infringement, Claim Construction  
Status:      Settled

Date: 2003      **Hunton and Williams**  
Cases      FirstUSA/BankOne v. Paypal  
            U.S. District of Delaware; 02-CV-1462-SLR  
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

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