

Ian Jestice

1108 Augusta Falls Way

Naples, FL 34119

510-304-2999

ian@ianjestice.com

Expertise

- Embedded systems
- File systems
- RAID Systems
- Game Programming
- Networking (Ethernet, TCP/IP, DLNA)
- iPhone, iPad Android Programming
- Device Drivers
- Storage Devices & Software
- Telecommunications Software
- Bootrom/Bios/Assembler
- Computer Languages: C, C++, VBAssembler, PERL, SQL
- Zigbee, Xbee.

Professional Summary

Mr. Jestice has over 40 years of experience with storage devices, embedded software systems for industry and consumer products, systems, including Flash Memory (Solid State Disks, memory cards, flash drives), Optical Storage (CD, DVD, WORM, Magneto-Optical), Magnetic Storage (Hard Disk, Floppy Disk, Tape), RAID/Disk Arrays and jukeboxes; USB, SCSI, iSCSI, IDE/ATA/ATAPI/SATA, Fibre Channel, PCMCIA, game programming, home appliances and telecommunications. He has written and designed device drivers, software and firmware for Windows, Linux, VxWorks, QNX and other embedded real-time operating systems (RTOSs). He has been a software developer, project lead, seminar presenter and technical writer. He is experienced with various programming languages, including C, C++, Delphi, C# and assembly. He has been an expert witness and expert consultant in over 40 engagements involving patent, trade secret, copyright, class action and contractual disputes, patent portfolio reviews including file systems, game programming, home appliance, telecommunications and television control software. These have drawn on over 30 years of experience in the software storage industry and over 40 years of experience as a computer engineer, and have involved technology in the consumer products, telecommunications and storage industries. He has written expert reports, been deposed, and has provided courtroom testimony at trial. His engagements have involved source code analysis and comparisons, object code disassembly, benchmarking, and computer media duplication, as well as forensic analysis on data storage devices and file systems using tools including EnCase, FTK and DiskJockey.

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Employment & Consulting History

From: 2001 **Jestico**
To: Present
Position: *Consultant*
Software consultant on diagnostics, file systems, databases, optical transport and manufacturing test.

Provided bring-up, bootrom and diagnostic support for PPC and X86 embedded systems. Familiar with bringup tools, such as ICE, logic analyzers and BDM's.

Ported Opensource bootrom (ppcBoot/uBoot) to several different systems/boards.

Wrote manufacturing test system for an Optical transport system including diagnostics, GUI and backend database support.

From: 2002 **Infinera**
To: 2008
Position: *Member of Technical Staff (Team Leader)*
Managed, specified, designed and built bootrom/BIOS, diagnostics, journaling file systems, databases, IP networks, optical transport and manufacturing test for a large scale DWDM telecommunications transport system. Programmed in "C", C#, "C++", assembler and all versions of VB. The development tasks were split and managed between California, Maryland and Bangalore in India.

Hired and managed the diagnostic team in both the USA and India.

From: 1998 **Ciena Corporation**
To: 2002
Position: *Member of Technical Staff (Team Leader)*
Specified, and lead the team that produced the hardware diagnostics for Ciena's CoreDirectory product. The diagnostics were used for design verification (DVT), hardware bring up, manufacturing test, and in at the customer site. They consisted of Power On Self Tests (POST), written in "C++", "C++" and PPC assembler, run time tests written in "C++" and Manufacturing tests written in VB.Net.

Also wrote simulation tests for ASICS in Perl and a FAT32 file system written in "C". Ported a CrossStore journaling files system to the system.

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These programs were written to support Ciena's Coredirector, telecommunications switch technology.

Hired and managed the diagnostic teams.

From: 1996 **Xyratex International Limited, Digital Power Corp., CableCo and Theorem**

To: 1998 Fremont, CA

Position: *Vice President Engineering (Independent Consultant)*

Consulted on automated testing, database design, internet and intranet websites, email servers, internet commerce engines and network design, network security and software applications.

Performed confidential investigations concerning the abuse of company EMAIL systems, and to detect the electronic transmission of stolen intellectual property. Designed, developed and sold software applications to provide Internet access for LAN users, network monitoring and for the prevention of computer hardware theft.

Developed and sold an email gateway program, a network security package and a commercial website for selling power supplies. Managed Microsoft and Novell servers for Xyratex, including configuration, installation, backup and operations.

From: 1994 **ZADIAN Technologies**

To: 1996 San Jose, CA

Position: *Director, Quality Assurance and Information Systems*

Recruited and managed the QA and IT departments. Set up a companywide ISO9000 system. Designed and wrote automated tests for the verification of software libraries and hardware equipment including disk drive, tapes and RAID devices. Designed and built relational databases in Paradox and Access and Delphi. Implemented company network, Novell and Microsoft servers. Presented training seminars on SCSI and IDE interfaces.

Attended the ISO 9000 lead assessors training given by ASQC.

From: 1984 **Amdahl Corporation**

To: 1994 Sunnyvale, CA

Position: *Principal Engineer*

Data Storage Division – Managed and implemented the design verification of storage arrays produced by OEM suppliers. Work

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with the design team on the architecture of a RAID controller. Evaluated RAID implementation from various system vendors. Developed failure analysis and call home programs for field failure prediction. Wrote test applications to analyze the performance and reliability of disk subsystems. Worked on storage virtualization and backup software.

Mainframe division – Developed diagnostics and automated tests to verify the functionality and performance of processor hardware and peripherals. Worked extensively with Fujitsu in Japan on joint development of processors, disk subsystems and communications controllers. Worked as an expert on diagnostics and deterministic hardware.

- From: 1982 **Dialogic Systems Corporation**
To: 1984 Sunnyvale, CA
Position: *Quality Assurance Manager*
Designed, developed and executed software programs to test the function and performance of a high speed, multiprocessor system, used for the rapid development of software for mainframe computers. The system consisted of 32 independent Motorola 68000 processors running a distributed operating system. Tests were writing in “C”, Assembler, COBOL and a proprietary testing language.
- From: 1980 **ITEL Corporation**
To: 1982 Los Angeles, CA and Canada
Position: *Technical Specialist*
Country level systems support specialist, diagnosing software and hardware problems on ITEL computers and peripherals in Canada, USA, Japan and South America.
- From: 1971 **IBM Corporation**
To: 1980 London, England
Position: *Senior Systems Engineer*
Responsible for system support of large IBM mainframes, operating systems, disk drives, tape drives and telecommunications products. Wrote customer applications in COBOL and Assembler. Responsible for some of IBM’s larger mainframe accounts, including Carter Hawley Hale, Barclays Bank, and Sun Life Insurance. Worked for IBM in England, California and Canada. Attended over 23 months of in house training at IBM locations in Europe and USA.

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From: 1968 **British Telecom**
To: 1971 London, England
Position: *Technical Officer*
Responsible for the testing and installation of high-speed data and voice communications circuits. Installed the first commercial FAX system in England and early modem circuits. Received award for a design using digital logic to monitor the availability and reliability of groups of voice and data circuits. Trained in transmission line theory.

Litigation Support Experience

Date	2015	Kilpatrick Townsend
	Case	Stategyn, LLC vs James M. Haynes*
		Examine source code, write Expert Report for trade secrets theft
		Ongoing
	Status	
Date	2015	Orrick
	Case	EMC* vs PureStorage
		Examine source code, write Expert Report for storage dedupe technologies
	Status	Ongoing
Date	2014	BOARDMAN & CLARK LLP
	Case	ServiTech* v. WSG
		Compare bank ATM software for trades secrets theft and copyright infringement.
	Status	Settled
Date	2014	Liner Law
	Case	MyMedical* Records vs Walgreen
		Evaluate patent, write Export Report.
		Deposed
	Status	Ended
Date	2014	Morgan Lewis & Bockius LLP
	Case	Dunnhumby vs Emnos*
		Evaluate code, write Expert report assist with Markman
	Status	Ended
Date	2014	O'Melveny Myers

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Case		Concinnitas v Samsung*
Status		Evaluate code, write expert reports and assist with Markman Ended
Date	2014	Wolf, Greenfield & Sacks
Case		EMC* v Zerto
Status		Evaluate architecture and documentation. Write Expert reports and testify by deposition and trial Won at trial
Date	2014	Latham & Watkins
Case		Ultramercial vs WildTangent*
Project		Evaluate code for patent infringement. Evaluate patent for invalidity. Write Expert report
Status		Ended
Date	2014	O'Melveny Myers
Case		Fauc vs TPV & Assus*
Project		Test LCD & LED monitors, measure refresh and lag time. Write reports
Status		Settled
Date	2013	John Perkins Law
Case		CS1000* vs Bishop
Project		Evaluate source code written in Python and compare defendant to plaintiff code. Write Expert Report
Status		Settled before trial
Date	2013	Grunsky Law
Case		Hesse* v Alcatraz Flowers
Project		Forensic evaluation of accounting records
Status		Settled before trial
Date	2013	Brock S. Weber Perkins Coie LLP
Case		Parallel Iron v Amazon, EMC, NetApp, Facebook, LinkedIn, Morgan Stanley, Motorola, Obitz, BofA, NetFlix and Google
Project		Write reports and declarations. Evaluate storage architecture
Status		Ended

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Date	2013	Murchinson Law
Case		Kinda v. Carpenter*
Project		Slander and interference with business case involving network and internet access issues. Wrote Expert report and advised attorney on questions for plaintiffs Expert Witness
Status		Settled before trial
Date	2013	Fish & Richardson
Case		Synchome vs Samsung et al*
Project		Patent case involving CDROM/DVD and Tape drive technologies. Write report for Markman hearing
Status		Ended
Date	2012	Heim, Payne & Chorush
Case		Microunity* vs Apple et Al
Project		Evaluate the use of the NEON instruction set in ARM processing.
Status		Completed
Date	2013	O'Melveny Myers
Case		E-Contact vs Apple, Samsung Electronics et Al*
Project		Analyzed source code for features of the Android Operating system in particular the email app code for phones and tablets.
Status		Completed
Date	2012	Ropes and Gray
Case		Summit Data vs EMC*
Project		Evaluate products and patents, write reports
Status		Settled favorably
Date	2012	Latham Watkins
Case		Guzik vs Western Digital*
Project		Evaluate patents and disk tester technologies. Write reports
Status		Settled before trial
Date	2012	DLA Piper
Case		Overland Technologies* vs Quantum et Al
Project		Evaluate tape library technologies, write reports
Status		On-going
Date:	2012	Blakely Sokoloff Taylor and Zafman
Case		Datcard vs Pacsgear*
Project:		Review source code for CDWrite and library system, write reports.
Status		Deposed Ended

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- Date: 2012 **McCathern, Mooty and Grinke LLP**
Case **CTI* v BSG**
Project: Review mySQL and Filemaker databases, C++, PHP code
 associated with Telecoms billing
Status Settled favorably.
- Date: 2011/12 **Alston & Bird LLP**
Case **RichTek* v UPI**
Project: Forensic Expert examining file systems and design files for trade
 secrets theft. Deposed and testifying expert at ITC.
Status Won at trial.
- Date: 2012 **Brooks Kushman, P.C**
Case **Ancora* v Apple**
Project: Analyze patents associated with BIOS and authentication
Status Ended
- Date: 2011 **Irell and Manella**
Case **Convolve v. Western Digital, Dell and Hitachi***
Project: Patent infringement. Analyze patents, write expert reports, deposed,
 testified at Jury trial on infringement. Disk drive technologies.
 Federal trial in Marshal Texas.
Status: Settled favorably.
- Date: 2011 **DLA Piper**
Case **Overland* v. BDT, Dell and IBM**
Project: Patent infringement. Analyze patents, write expert reports, deposed,
 testified at Jury trial on infringement and invalidity. Tape storage
 and library technologies. ITC case.
Status: Won at trial.
- Date: 2011 **Morgan Lewis**
Case **Lockheed* v. Class**
Project: Analyze Expert reports, wrote Expert reports regarding
 employment law as it applies to network and systems engineers.
Status: No activity
- Date: 2011 **Quinn Emanuel Urquhart and Sullivan**
Case **Xpoint v Symantec***
Project Examine source code for backup, restore and check pointing of data
 from disk drives on PC's and servers. Write Expert reports and

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rebuttal reports.
Status Settled before trial at terms favorable to my client

Date: 2011 **Quinn Emanuel Urquhart and Sullivan**
Case **Value Home Auctions v X-Wire Technology***
Project: Compare code for home auction site using PHP and Java Code.
Write Expert report.
Status: Settle before trial at terms favorable to my client.

Date: 2010 **Skadden, Arps, Slate, Meagher & Flom LLP**
Case Undisclosed
Project: Review IBM-H assembler code against requirements for code
development project and assess architecture and label structures
Status: Settled favorably

Date: 2010 **Latham Watkins LLP**
Case Adobe
Project: Review “C” & “C++” against claimed patent and trade secrets
involved in video media server technologies.
Status: Settled favorably

Date: 2010 **Latham Watkins LLP**
Case AOC
Project: Patent Infringement. Review patent of software/hardware interface
for video displays involving I2C and EDID data.
Status: Settle favorably

Date: 2009 **O’Melveny & Meyers LLP**
Case Activision v. Viacom
Project: Copyright: Review “C++” and video code against license.
Deposition support.
Status: Settled favorably

Date: 2008 **McDonnell Boehnen Hulbert & Berghoff LLP**
Case **Whirlpool* v. LG**
Project: Patent infringement. Evaluated source code for spin dryers, motor
controllers and washing machines. Wrote Expert reports and
deposed.
Status: Settled favorably after deposition

Date 2008 **Anthony Caselli, Esq.**
Case **KMP v Anthony Caselli***

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- Project: Malpractice case. Clone and search disk drives. Write expert report on findings. Searched company wide network of computers, including backups and for erased files. Examined email records.
- Status: Settled favorably
- Date: 2008 **O'Melveny & Meyers LLP**
Case **Funai v. TPV***
Project: Patent Infringement: Review "C" & "C++" code against claimed patent. Deposition support. International Trade commission patent infringement case involving the software and hardware used in the scaling and enhancement of digital Television systems.
Status: Settled favorably
- Date: 2007 **LaMarca & Landry P.C.**
Case **LC Technology Int'l v. MediaRecover, LLC***
Project: Copyright/License Infringement: Review "C" & Delphi code against claim. Wrote expert report. Testified in Tampa, Florida Federal Court in front of Judge.
Status: Won at trial
- Date: 2004-05 **Shuttleworth & Ingersoll, PLC**
Case **LC Technology v. MediaRecover***
Project: Review software design and computer code.
Status: Settled favorably
- Date: 2003-04 **Cuneo Waldman & Gilbert, LLP**
Case **HP v Class***
Project: Review diagnostics, hardware failure analysis and analyzed opposing expert report and was deposed.
Status: Settled favorably
- Date: 2001-02 **Gordon & Rees (San Francisco, CA)**
Case **Nancy Hammel & Anna McCowan & Jolinda Rangel v. Betts Spring Company***
Project: Sexual Harassment matter. Captured and examine the contents of company PC's located at Betts Spring Company. Created mirror images of each disk on CDROM and hard disk. Performed a forensic examination of the data, searching for sexually explicit images, text and emails. These included erased files. Created a report identifying which systems had which images and classified them by subject.
Status: Settled

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Date: 2003-04 **Gray Cary Ware & Freidenrich LLP (Palo Alto, CA)**
Case **Jupiter Media Metrix, Inc. v. Netratings, Inc. & Netvalue USA, Inc.**
Project: Patent Infringement involving internet communications:
Background Consultant, expert report and deposition support.
Hired to identify prior art regarding the tracking and monitoring of users internet surfing activities. Worked on claim construction, code analysis, and testing competing technologies. Wrote an expert report.
Status No activity

Date: 2003 **Krieg, Keller & Stone**
Case **Allisa Flemoid v. Law Offices of Michael Johnson***
Project: Legal Mal-Practice, Wrongful Termination. Hired to capture data stored on company disk drives. Mirrored the drives and searched the captured data including emails, and files and erased files regarding the case in question. Supervised the searching of the drive by the opposing expert and wrote an expert report using Encase.
Status: Settled

Date: 2002 **Skjerven, Morrill, MacPhearson, Franklin & Friel**
Case **Windows Presentation Corporation v. Henry Lu**
Project: Theft of Trade Secrets, recover and opine on data erased from hard disk drive
Status: Matter Settled

From: 08/1973 **Coroners Court**
To: 10/1973 London, England
Fact witness--Testimony regarding the accidental/suicide death of family that jumped in front of the train in London, UK.

Education

<u>Year</u>	<u>University/College</u>	<u>Degree</u>
1971	City and Guilds Institute of London	Telecommunications and Computer Science

Publications

Jestice, Ian, "Designs For Automatic Software Testing Of Mainframe Software," *Automator Magazine*, 1990

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Jestice, Ian, "Marketing power conversion products on the Internet", IEEE 1999, presented paper at the APEC conference in Dallas, TX.

Professional Associations and Achievements

- Amdahl Design/Outstanding Contribution Awards, 1989, 1990, 1992
- IBM Service Awards, 1974-1976
- British Telecom Innovation Award, 1971
- Member of the IEEE.

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Case	Expert Report	Deposed	Trial
ServiTech* v. WSG	X	1	
Stategyn v James M. Haynes	X		
MyMedical* Records v Walgreen	X	1	
Ultramercial vs WildTangent			
Concinnitas v. Samsung	X		
Hesse v Alcatraz Flowers			
Dunnhumby vs Emnos*	X	1	
EMC v Zerto	X	2	District of Delaware
EMC v PureStorage	X	3	District of Delaware
TPV v Fauc			
CS1000* vs Bishop	X		
Parallel Iron v Amazon, EMC, NetApp, Facebook, Linkedin, Morgan Stanley, Motorola, Obitz, BofA, NetFlix and Google	X		
Kinda v. Carpenter	X		
Synchrome v Samsung et al	X		
Microunity v Apple et Al			
E-Contact v Apple, Samsung Electronics et Al	X		
Summit Data v EMC	X		
Guzik v Western Digital	X		
Overland Technologies v Quantum et Al	X		
Datcard vs Pacsgear	X	1	
CTI v BSG			
RichTek v UPI	X	1	ITC
Ancora v Apple	X	1	
Convolve v. Western Digital, Dell and Hitachi	X	1	Eastern District Texas
Overland v. BDT, Dell and IBM	X	1	ITC
Lockheed v. Class	X		
Xpoint v Symantec	X		
Value Home Auctions v X-Wire Technology	X		

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Activision v. Viacom			
Whirlpool v. LG	X	1	
KMP v Anthony Caselli			
Funai v. TPV			
LC Technology Int'l v. MediaRecover, LLC	X	1	Middle District Florida
HP v Class			
Nancy Hammel & Anna McCowan & Jolinda Rangel v. Betts Spring Company			
Jupiter Media Metrix, Inc. v. Netratings, Inc. & Netvalue USA, Inc	X		
Allisa Flemoid v. Law Offices of Michael Johnson	X		
Windows Presentation Corporation v. Henry Lu	X		
Coroners Court UK			London Crown Court