

# KENDYL A. ROMÁN

## AREA OF EXPERTISE

### Intellectual Property

Federal Special Master. Court appointed expert. Patents, Trade secrets, Copyright, Computer Data Recovery and Analysis. Forensic Computer Scientist/Expert. Consulting and testifying experience.

### Object Oriented Programming Languages

Java, C++, C#, Visual Basic, ruby, perl, JavaScript, XML, XAML, Delphi, Python, Apple Media Language, Mentor AMPLE, Lisp, NewtonScript, PenBasic, Dylan, MacApp.

### Traditional Programming Languages

C, perl, Assembly (680x0, 80x86, VAX, Nova, DEC-10, IBM 3x0), RISC Assembly (PowerPC, SPARC, MIPS, HP/PA), ABAP, COBOL, PL/I, PL/X, SAS, Pascal, Lua, APL, Forth, Lisp, Basic, JCL, awk.

### Web Frameworks

HTML, XHTML, CSS, Ruby on Rails, Resque, PHP, CSLA, PEAR, CEP, Django, Flask, REDIS, jQuery, AJAX, JSON, SQLAlchemy.

### Computer Software

Microsoft Windows NT/95/98/2000/XP/Vista/7/8/10 & For Pen, MS/DOS, UNIX Internals and Utilities (Linux, MacOS X, FreeBSD, VxWorks, SunOS, Solaris, MIPS, HP-UX, A/UX, Berkeley, AT&T, AIX, Amdahl UTS, SCO, POSIX, OSF), IBM MVS/TSO/ISPF, IBM VM/CMS, SQL Relational Database Systems (Oracle, SAP, SQL Server, Access, FoxPro, FoxBase, ingres, postgres, Progress, System-R), SAP, FileMaker Pro, X-Windows (X11, motif, MacX, HP VUE, OpenLook), Delphi, dBase, Visual Studio, QA Partner/Silk, PenPoint, Macintosh Programmers Workbench, HyperCard, Multimedia (Real Networks, Windows Media, QuickTime, Apple Media Tool, Premiere, Photoshop, Illustrator, Director, Flash, MediaTracks, SoundEdit), Documentation (FrameMaker, MS Word, MacWrite II), IBM PC/AT BIOS, Dialogic Toolkit & OS, HP 3000 MPE & MPE/XL, Mentor Graphics & Daisy Systems.

### Computer Hardware

IBM PC and Wintel compatibles, HP/PA HP9000/300's; 400's; 700's; & 800's—HP3000/900, VAX 11/780, IBM 360, 370 & 4300, Apple Macintosh (all models since 1984), Lightning, Firewire IEEE 1394, USB, Apple LaserWriter, Scanner, CD-ROM, CD-R, DVD, BlueRay, SGI (MIPS) Systems, Sun SPARC & 386i, Daisy, NCR NotePad, Apple II, DEC-10, NOVA.

### Computer Forensics Tools

Guidance Software's EnCase, Image MASter Solo2 Forensics/Professional & Secure Hash Signature Generator (MD5, CRC32 Hashes), DriveImage, Ghost.

3277 Kifer Road, Santa Clara, CA 95051 • email: [kendyl@mediaframe.com](mailto:kendyl@mediaframe.com)

LITIGATION SUPPORT

Orrick, Herrington, & Sutcliffe, New York, NY 1999-2002

Project: Software expertise and code analysis: copyright/trade secrets. Two related cases, testifying expert in second case. Tradescape.com, Inc., et al. v. Shivaram, et al.

Hale & Dorr, LLP, Boston, MA 1999

Project: Patent prior art search and analysis (Internet eCommerce). BroadVision, Inc. v. Art Technology Group

Russo & Hale, LLP, Palo Alto, CA 1999

Project: Patent prior art analysis and expert report (Interactive TV). John Berman v. Wink Communications, Inc.

Evers & Hendrickson, LLP, San Francisco, CA 2000

Project: Patent prior art analysis.

Orrick, Herrington, & Sutcliffe, New York, NY 2000

Project: Database and eCommerce software expertise and code analysis in copyright/trade secret case. RIA Telecommunications v. DollarsDirect.com, et al.

Zelle, Hofmann, Voelbel & Gette, Dallas, TX 2000-2001

Project: Database and Internet patent case. Prior art, Markman hearing, infringement analysis, etc. Konrad v. General Motors, et al.

Superior Court of California, Santa Clara County 2000-2001

Project: Court appointed expert in software trade secret case. Aspect Communications Corporation v. eConvergent, Inc., et al.

Quadros & Johnson, Santa Clara County, CA 2000-2001

Project: Trial testimony regarding Internet video, chat, database, and email software and server hardware. Hype Media, Inc. v. Anthony Siress & Lestat, Inc. (and cross action)

BakerBotts, New York, NY 2001-2002

Project: Claim interpretation and infringement testifying expert in Internet/TV patent case. Markman testimony. ACTV, Inc. and HyperTV Networks, Inc. v. The Walt Disney Co., ABC, Inc. and ESPN, Inc.

Tom Casazza, Napa County, CA 2001-2002

Project: Data recovery, embezzlement analysis, Internet, pornography. Contempt hearing testimony. Laguna Hermosa Corporation v. Clarence White, et al.

Gibbons, Del Deo, Dolan, Griffinger & Vecchione, New York, NY 2002-2003

Project: Patent infringement declaration regarding Firewire IEEE 1394. Dynacore Holdings, et al. v. U.S. Philips Corporation, et al. and Dynacore Holdings, et al. v. Sony Electronics Inc., et al.

Epstein Becker & Green, New York, NY 2002

Project: Video compression and Internet transmission analysis & report. On2.com Inc. v. Ecoin Co., Ltd.

- HS Law Group, San Jose, CA 2002  
Project: Forensic data recovery and Internet email analysis.  
Seema Chawla v. Alphasoft Services Corporation, et al.
- Adams, Coogler, Watson & Merkel, West Palm Beach, FL 2002-2003  
Project: Analysis of medical communication system in wrongful death.  
Deposition. Rubin v. Bethesda Memorial Hospital et al.
- Friedman, Peterson, Stroffe & Gerard, Irvine, CA 2002-2003  
Project: Design patent prior art search and invalidity declaration.  
Turn-Luckily Intl, Inc. v. Fry's Electronics, Inc.
- Superior Court of California, Santa Clara County 2003-2004  
Project: Court appointed expert for computer drive analysis  
(financial/pornography). Ribeiro v. Weichselbaumer
- Naval Legal Service (JAG), Pearl Harbor, HI 2003  
Project: Testified as Computer Forensic Expert in Brady Hearing and  
General Court-Martial (Internet/child pornography).  
United States v. Alec Schultz
- Foley & Lardner, Milwaukee, WI 2003  
Project: Patent infringement analysis/report and invalidity rebuttal  
regarding electronic vehicle compasses and mirrors.  
Donnelly Corporation v. Johnson Controls (cross action)
- Hunton & Williams, Washington, DC 2003  
Project: Reexamination Prior Art Declaration under 37 C.F.R. § 1.132.  
In re U.S. Patent No. 6,279,033 (Microstrategy, Inc.)
- Kirkland & Ellis, Washington, DC 2003  
Project: Federal Circuit Appeal: Judges Linn, Plager, Friedman.  
ACTV, Inc. and HyperTV Networks, Inc. v. The Walt Disney Co., ABC,  
Inc. and ESPN, Inc.
- Plant, Christensen & Kanell, Salt Lake City UT 2003-2005  
Project: Analysis of computer system, failure data, and surveillance  
video in data center fire suppression incident.  
Safeway, Inc. v. Consonus, Inc. et al.
- Knopik Varner Moore, Tampa, FL 2004  
Project: Retained to Plaintiff after deposition and settlement with Dr.  
Fisher. Rubin v. Bethesda Memorial Hospital et al.
- Skadden, Arps, Slate, Meagher & Flom, Washington, D.C. 2003-2004  
Project: Analysis of over two million lines of source code regarding  
trade secret misappropriation arbitration in Atlanta.  
CAPS Logistics, Inc. v. Ratliff, et al.
- Fenwick & West LLP, Silicon Valley, CA 2004-2005  
Project: Mainframe software trade secret/copyright infringement.  
Compuware Corporation v. International Business Machines Corp. (IBM)

- Pillsbury Winthrop LLP, Fort Worth, TX 2004-2005  
Project: Copyright/trade secret/license defense in database conversion.  
Wayne Fowler v. Bell Helicopter Textron, Inc.
- Simpson Thacher & Bartlett LLP, Palo Alto, CA 2004  
Project: Patent validity and infringement: Internet videoconferencing.  
Collaboration Properties, Inc. (Avistar) v. Polycom, Inc.
- BakerBotts, New York, NY 2004-2005  
Project: Patent invalidity regarding Internet pay-per-click advertising  
Overture Services, Inc. (Yahoo) v. FindWhat.com, Inc.
- Pritchard and Kay, San Jose, CA 2004-2005  
Project: AAA testimony regarding auto dealership computer system.  
Universal Computer Services, Inc. et al. v. Roulette Dealership
- DLA Piper Rudnick Gray Cary LLP (formerly Gray Cary Ware & Freidenrich), Palo Alto, CA 2004-2005  
Project: Patent invalidity: keyboard control of CD audio.  
ITC Investigation No. 337-TA-519 (Gateway v. Hewlett-Packard)
- California Department of the Youth Authority, Sacramento, CA 2005  
Project: Forensic video analysis and administrative hearing testimony.  
N.A. Chaderjian Youth Correctional Facility—Use of Force Appeal
- Wilson, Sonsini, Goodrich & Rosati, Palo Alto, CA 2005  
Project: Patent invalidity/non-infringement: Data-driven multimedia  
Datamize v. Fidelity, Scottrade, Interactive Brokers Group, et al.
- Greenberg Traurig LLP, Denver, CO 2005-2006  
Project: Patent interpretation/invalidity/non-infringement: FDC chips  
Phillip M. Adams, et al. v. Gateway
- Law Offices of Dan MacGuire, Davis, CA—Law Offices of Donald J. DeShaw, Sacramento, CA 2005-2006  
Project: Software/hardware copyright/trade secrets: Ophthalmic imaging  
Ophthalmic Imaging Systems v. Mark Fukuhara, et al.
- Russ, August, & Kabat, Los Angeles, CA 2005-2006  
Project: Trade secrets and defamation defense: Video game enhancement  
Electro Source, LLC. v. Fire Intl' Ltd. Inc, et al.
- Simpson Thacher & Bartlett LLP, Palo Alto, CA 2005-2007  
Project: Patent validity and infringement: Internet videoconferencing.  
Collaboration Properties, Inc. v. Tandberg, Inc. & Tandberg ASA
- Pillsbury Winthrop LLP, Palo Alto, CA 2006-2007  
Project: Copyright/trade secret video compression/pattern recognition.  
eTrepid Technologies LLC v. Dennis Montgomery
- California Department of Personnel Administration, Sacramento, CA 2006  
Project: Forensic video analysis, videogrammetry, and photogrammetry.  
Chaderjian Youth Correctional Facility—Civil Case Defense
- Law Offices of Owen P. Rafferty, Los Angeles, CA 2006  
Project: Forensic surveillance video analysis and photogrammetry.  
People v. Michael Galapp

Greenberg Traurig LLP, Denver, CO 2006-2007

Project: Patent scope/interpretation/invalidity/non-infringement:  
Vehicle bus interface. Markman and jury trial testimony.  
Omega Patents, LLC v. Directed Electronics, Inc.

Fish & Richardson P.C., Washington, D.C. 2006-2007

Project: Patents: online advertising and electronic catalogs.  
International Business Machines Corp. (IBM) v. Amazon.com, Inc.

Townsend and Townsend and Crew, LLP, San Francisco, CA 2007

Project: Patents: container terminal database systems including image  
processing, crane controllers, GPS, and wireless networking.  
APS Technology Group, Inc. v. Paceco Corporation

James E Carty III, P.C. New York, NY (and NJ) 2007-2010

Project: Patents: employee tracking database systems with telephone  
verification  
Infocrossing, Inc. v. Sandata Technologies, Inc.

Bohm, Matsen, Kegel & Aguilera, LLP, Costa Mesa, CA 2007

Project: Enterprise networked database and ERP system (contract terms).  
QAD Inc. v. Ingersoll-Rand Company

Heller Ehrman, LLP, San Francisco, CA & Quinn Emanuel, Redwood Shores, CA 2007-2008

Project: Patents prior art research, system reconstruction, & analysis  
Disk Link Corporation v. H&R Block Digital Tax Solutions, et al.

Heller Ehrman, LLP, Menlo Park, CA 2007-2008

Project: Patents: targeted Internet advertising based on profile  
ValueClick, Inc. v. Revenue Science, Inc.

Terran Steinhart, Esq., Los Angeles, CA 2009

Project: Testimony regarding Computer Adaptive Testing (CAT) security  
Board of Nursing v. Thelma Macabeo

William Campisis, Berkeley, CA 2009

Project: Analysis of computer medical records system.  
Nader v. Kaiser

Capshaw DeRieux, Longview, TX; Vanek Vickers & Masini, Chicago, IL; Watson Rounds 2009-2011

Project: Patents: network devices including firewalls  
GraphOn Corporation v. Juniper Networks, Inc.

Laminack, Pirtle & Martines LLP; Matthews, Lawson & Bowick, PLLC, both of Houston, TX 2009-2012

Project: Trade secret & patent: Automated end-to-end Purchase to Pay  
Wellogix, Inc. v. BP America, Inc. et al. (Arbitration)  
Wellogix, Inc. v. Accenture et al. (Jury Trial)  
SAP v. Wellogix, Inc.

Gutride Safier LLP, San Francisco, CA 2009-2012

Project: Class Action: OEM version of Microsoft Windows Vista  
Kevin Embry v. Acer America Corporation

Capshaw DeRieux, Longview, TX; Eugene M. Cummings, P.C., Chicago, IL 2010-2011

Project: Patents: digital music organization, management, and download  
Premier International v. (Microsoft) Verizon, Real Networks, et al.

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