



Nathaniel Polish, Ph.D. ♦ Daedalus Technology Group, Inc. ♦ polish@dtgroup.com

Summary of Experience in Intellectual Property Matters, as of December 2011

Date	Case and Jurisdiction	Work Product	Counsel, Nature of Case, and Additional Notes
08/11-present	<i>Apple Inc and Next Software, Inc. v. Motorola, Inc. and Motorola Mobility, Inc.</i> Case No. 10-CV-662(BBC) In The United States District Court for The Western District of Wisconsin	Expert Report	Retained by Weil, Gotshal & Manges LLP (contacts: Kevin Kudlac and Elizabeth Weiswasser), representing Apple, Inc. This is a patent dispute. The case involves technology for the interface of DSPs in cell phones. I am handling both infringement as well as validity.
06/11-present	<i>Creative Kingdoms LLC and Medici Portfolio LLC v. Nintendo Co. Ltd.</i> Certain video game systems and Wireless controllers and Components thereof. United States International Trade Commission Investigation No. 337-TA-770	Expert Report; deposition	Retained by Cooley LLP (contacts: Tim Teter and Matthew Brigham), representing Nintendo Co. Ltd. This is a patent dispute. The case involves technology used in wireless, motion sensing controllers. I am handling invalidity. The case is ongoing.
02/11-11/11	<i>Wiav Solutions LLC v. Motorola Mobility, Inc, Nokia Corporation, Nokia, Inc, Sony Ericsson Mobile</i> Civil Action No: 3:09-cv-447-LO. In The United States District Court for The Eastern District of Virginia	Expert Report; deposition	Retained by Finnegan, Henderson, Farabow, Garrett & Dunner LLP (contacts: Kenie Ho and Christopher Schultz), representing Wiav Solutions LLC. This is a patent dispute. The case involves technology for speech codecs used in GSM cell phones. I handled the infringement side of the case. This case settled.
08/10-4/11	<i>Apple Inc. v. Nokia Corporation and High Tech Computer Corp. (HTC). Certain Personal Data and Mobile Communications Devices and Related Software. United States International Trade Commission Investigation No. 337-TA-710.</i>	Expert Reports; depositions; Testimony at hearing.	Retained by Kirkland & Ellis LLP (contacts: Marc Sernel and Eric Hayes), representing Apple Inc. This is a patent dispute. The case involves technology for the interface of DSPs in cell phones. I handled both infringement as well as validity.
05/09-05/10	<i>Nuance Communications Inc. et al v. Tellme Networks Inc.</i> Case Number: 1:2006cv00105 In The United States District Court for The	Expert Report	Retained by McKool Smith (contacts: Luke F. McLeroy), representing Nuance Communications. This is a patent dispute. The technology involved techniques for using speech recognition in telephone information systems. The case ended in summary judgment for the

	District of Delaware		defendant.
02/10-06/10	<i>Motorola Inc. v. Research Motion Limited et al</i> Certain wireless communication server system software, wireless handheld devices and battery packs. United States International Trade Commission Investigation No. 337-TA-706	Expert Report	Retained by Ropes & Gray (contacts: Paul M. Schoenhard and Steven Pepe), representing Motorola Inc. This is a patent dispute. The case involves technology used in pagers and cellphones as well as their servers. The case settled.
04/10-6/10	<i>Illinois Computer Research LLC v. Harpo Productions, Inc et al</i> Case Number: 1:2008cv07322 In The United States District Court for The Northern District of Illinois Eastern Division	Expert Report; deposition	Retained by Jackson Walker L.L.P. (contacts: Michael Locklar and Charles Babcock), representing Harpo Productions, Inc. This is a patent dispute. The case involves technology for display of books on a website. This case settled.
08/09-10/10	<i>BALTHASER ONLINE, INC, v. NETWORK SOLUTIONS, LLC</i> Civil Action No. 2:08-cv-430 United States District Court Eastern District of Texas Marshall Division	Expert Report	Retained by Dickstein Shaprio LLP (contacts: Alfred R. Fabricant, Lawrence C. Drucker, Bryan N. Matteo, Robert Gingher and Cindy Lang), representing Balthaser Online, Inc. This is a patent dispute. The case involves technology for the display of rich media applications on a web site. This case settled.
05/09-05/10	<i>Nuance Communications Inc. et al v. Tellme Networks Inc.</i> Case Number: 1:2006cv00105 In The United States District Court for The District of Delaware	Expert Report	Retained by McKool Smith (contacts: Luke F. McLeroy), representing Nuance Communications. This is a patent dispute. The technology involved techniques for using speech recognition in telephone information systems. The case ended in summary judgment for the defendant.
12/08-03/09	<i>Texas MP3 Technologies, Ltd. v. Samsung Electronics Co., Ltd., et al.</i> Civil Action No. 2:07-CV-0052 (CE) United States District Court for the Eastern District of Texas	Expert Report	Retained by Baker Botts LLP (contacts: Michael Hawes), representing Samsung Electronics. This was a patent dispute involving portable MP3 players. The case settled.
10/08 - 09/09	<i>Thomson Reuters (Scientific) Inc. v. David A. Von Moll, Comptroller of the Commonwealth of Virginia and George Mason University</i> Civil Action No. CL2008-17114 Circuit Court of Fairfax County Virginia	Expert Report	Retained by Edwards Angell Palmer & Dodge LLP(contacts: Glenn Pudelka, Barry Kramer), representing Thomas Reuters (Scientific) Inc. Contracts dispute centered around allegations of reverse engineering of software. The case ended in summary judgment.
12/08 - 12/09	<i>TruePosition Inc. v. Andrew Corp, C.A.</i> Case No. 05-0747-SLR (D. Del) U.S. District Court for the District of Delaware	Declaration; Expert Report	Retained by Kirkland & Ellis LLP (contact: Avinash Lele), representing Andrew Corp, C.A. Patent infringement case concerning technology for determining location of a cell phone using information from several cell phone towers. I provided an analysis of a workaround approach.

10/08 - 1/10	<i>RealTime Data LLC. v. Packeteer Inc.</i> Case No. 6:2008cv00144 U.S. District Court for the Eastern District of Texas	Expert Report, Depositions, Trial prep.	Retained by Ropes & Gray LLP(contact: Anthony Pastor), representing RealTime Data, LLC. Patent infringement case concerning data compression, storage, and transmission. The case settled on first day of trial.
04/08 – 12/08	<i>International Business Machines Corporation v. Asustek Computer, Inc.</i> Certain Computer Products, Computer Components and Products contain Same. United States International Trade Commission Investigation No. 337-TA-628	Expert Reports, Declarations, Depositions, Testimony at Hearing	Retained by Cadwalader Wickersham & Taft LLP (contact John Moehringer, Christopher Hughes) representing IBM in this matter. This was an US ITC investigation regarding infringement of a number of IBM patents by computers produced and sold by Asustek. The technology involved computer control of cooling systems for computers. I was involved with infringement as well as validity issues The determination is pending.
3/07 – 1/09	<i>National Music Publishers’ Association et al. v. XM Satellite Radio Inc.</i> Civil Action 06-CV-3733(LAK) in U.S. District Court for the Southern District of New York		Retained by Gibson Dunn & Crutcher LLP, representing National Music Publishers’ Association. Copyright dispute concerning the impact of various XM Satellite Radio products. I have provided an analysis of source code and functionality of several XM devices.
2006	<i>Telefonaktiebolaget LM Ericsson et al. v. Samsung Electronics Company Ltd.</i> Investigation No. 337-TA-577 U.S. International Trade Commission	Expert Reports and Depositions	Retained by Kirkland & Ellis LLP (contacts: Bao Nguyen, Adam Gill, Michael Pieja), representing Samsung in several patent infringement claims brought by Ericsson. Claims involved technologies for messaging, speech encoding, and speech recording within various GSM cell phones. The case settled just prior to hearing.
2/06	<i>Board of Regents of the University of Texas v. Benq America Corp et al.</i> Civil Action No. A:05CA181 U.S. District Court for the Western District of Texas	Markman Hearing Testimony; Expert Reports; Deposition	Retained by Quinn Emanuel Urquhart Oliver & Hedges LLP (contacts: Evette Pennypacker, Kevin Johnson), representing Benq America et al. Patent infringement. For a Markman (claim construction) hearing, prepared and presented a technology tutorial and testified before a special master. Prepared reports and gave deposition regarding invalidity and inoperability technology in the patent at issue. Claim construction hearing led to summary judgment in Benq America’s favor.
7/05 - 2/06	<i>Encyclopedia Britannica Inc. v. Alpine Electronics of America Inc. et al.</i> Civil Action No. 05-359 U.S. District Court for the Western District of Texas	Expert Report; Deposition	Retained by Baker Botts LLP (contact: David Wille), representing Encyclopedia Britannica, Inc. Patent infringement. Prepared report on the definiteness of certain claim terms, and was deposed on this matter. This case is ongoing but inactive.
5/05 - 9/05	<i>Atronic International GMBH v. SAI Semispecialists of America Inc.</i> Case No. 03-CV-4892 (TCP) (MLO) U.S. District Court for the Eastern District of	Expert Report; Deposition	Retained by Ford Marrin Esposito Witmeyer & Gleser LLP (contact: Edward M. Pinter), representing Atronic International. Contracts dispute. I have acted primarily to rebut another witness regarding what would have been reasonable behavior for a

	New York		customer of an electronic parts supplier. Case settled.
5/05 - present	<i>Advanced Analytics Inc v. Citigroup Global Markets Inc.</i> U.S. District Court for the Southern District of New York Case No. 04 Civil 3531 (LTS)	Declarations and Expert Reports; Deposition	Retained by Cleary Gottlieb Steen & Hamilton LLP (contacts: Davida Williams, Chris Moore), representing Citigroup Global Markets, Inc. Theft of trade secrets. I have been involved in software analysis in this case. The case involved software used to price complex financial instruments. Refuting the claims required software analysis as well as statistical analysis of certain elements of the systems involved. Case pending.
2/05 - 3/06	<i>Tivo Inc. v. Echostar Communications Corporation</i> Case No. 2-04cv01 DF U.S. District Court for the Eastern District of Texas	Expert Report; Deposition; Trial Testimony	Retained by Morrison & Foerster (contact: Karl Kramer), representing Echostar. This case involved digital video recorder (DVR) technology. My work focused on the invalidity of the Tivo patent. I found many pieces of prior art including complete systems that were presented at trial. Tivo prevailed at trial. Most of the claims were subsequently found invalid on re-exam. The case has been the subject of many appeals which are ongoing.
12/04 - 5/06	<i>Foundry Networks Inc. v. Lucent Technologies Inc.</i> Case No. 2:04-CV-40 (TJW) (E.D. Tex.) U.S. District Court for the Eastern District of Texas	Expert Reports	Retained by Kirkland & Ellis LLP (contacts: Jenny Lee, Jeanne Heffernan), representing Lucent Technologies. I advised on infringement as well as validity of U.S. Patent 5,649,131. In addition to generating several reports, and I supported the drafting of motions and declarations. The case settled shortly before trial.
10/07- 5/08	<i>Lucent, Alcatel-Lucent, and Multimedia Patent Trust v. Microsoft</i> Case no. 06-CV- 0684-H (LAB) U.S. District Court for the Southern District of California	Expert Reports; Depositions; Trial Testimony	Retained by Kirkland & Ellis LLP (representing Lucent Technologies) (contacts: Robert Appleby, John Desmarais) and Baker Botts LLP (representing Alcatel-Lucent). I advised on infringement as well as validity of U.S. Patents 5,838,319 and 5,977,971. Gave trial testimony regarding invalidity of the '971 patent: jury found the patent was invalid.
6/06- 2/07	<i>Lucent v. Gateway, Microsoft, Dell</i> Case no. 02-CV-2060-B (LAB) Case no. 03-CV-0699-B (LAB) Case no. 03-CV-1108-B (LAB) U.S. District Court for the Southern District of California	Expert Reports; Depositions; Trial Testimony	Retained by Kirkland & Ellis LLP representing Lucent Technologies(contacts: Robert Appleby, John Desmarais). I worked on the infringement of Patents 5,341,457 and 5,627,938 as well as 5,649,131. I advised on infringement as well as validity of these patents. At trial I testified to regarding infringement of the '457, '938, and '080 patents. This matter concluded with a successful verdict and an award to Lucent of \$1.5 billion.
5/04 - 3/05	<i>Dolby Laboratories Inc. v. Lucent Technologies Inc.</i> U.S. District Court for the Northern District of California Case No. C 01-20709 JF (RS)	Expert Report	Retained by Kirkland & Ellis LLP (contact: Alan Kellman), representing Lucent Technologies. This case involved infringement of a number of Lucent's patents. 5,341,457 and 5,627,938 by Dolby's AC3 codec. The case settled.

7/04 - 1/05	<i>Voice Capture Inc. v. Intel Corporation, Dialogic Corporation, and Nuance Communications Inc.</i> No. 4:04-cv-40340 U.S. District Court for the Southern District of Iowa	Expert Report	Retained by Gray Cary (contact: Edward Sikorsky), representing Intel Corporation. The case involved Voice Capture's allegation of patent infringement by Intel in the area of interactive voice response systems. In producing an invalidity report on the patent, I analyzed the patent and prior art in great detail. I also provided an expert report on invalidity and an analysis of a rebuttal report. The case settled.
3/03	<i>Agere Systems Inc. v. Broadcom Corporation</i> Civil Action No. 03-3138 U.S. District Court for the Eastern District of Pennsylvania	Expert Reports	Retained by Kirkland & Ellis LLP (contacts: Bryan Hales, Edward Runyan). The case involved Agere's allegation of patent infringement by Broadcom in the area of speech compression used in various Broadcom telephone products. I analyzed the operation of a speech codec used in digital telephones and worked with counsel and other experts to prepare reports. The case settled.
10/01	<i>AT&T Corp., v. Microsoft Corporation</i> Civil Action No. 01 CV 4872 (WHP) U.S. District Court for the Southern District of New York	Expert Reports; Deposition; Trial Testimony	Retained by Cooley Godward Kronish LLP (contacts: Frank Pietrantonio, Stephen Neal), representing AT&T. The case involved AT&T's allegation of patent infringement by Microsoft in the area of speech compression. I analyzed the operation of three speech codecs and worked with counsel and other experts to prepare reports I was deposed and gave testimony at trial. After the presentation of our case, the matter settled; details of the settlement are confidential. Elements of this case reached the U.S. Supreme Court.
1/98 - 1/01	<i>System Management Arts Inc. (SMARTS) v. Avesta Technologies Inc. and David Zager</i> 97 Civil 8101 (RWS) U.S. District Court for the Southern District of New York	Expert Reports; Deposition	Initially retained by Kramer Levin Naftalis & Frankel LLP (contact: Thomas H. Moreland), representing SMARTS. In early 2000 SMARTS retained Proskauer Rose LLP (contact: Kenneth Rubenstein) The case involved a SMARTS patent in the area of automatic diagnostics of faults in communications networks. I analyzed an Avesta system with similar claimed capabilities, and produced an expert report. I also gave a deposition, and participated extensively in technological analysis and strategic discussions of all aspects of the case. The case settled.
2000	<i>Data Systems Analysis Inc., v. The Netplex Group Inc., Technology Development Systems Inc., and Xcellenet Inc.</i> Civil Action No. 97-4652 (JBS-RBK) U.S. District Court for the District of New Jersey	Expert Reports; Deposition	Retained by Saul Ewing LLP (contact: Michael Lampert), representing Netplex. Data Systems Analysis (DSA) had brought suit against Netplex in a contract matter regarding software claimed by both companies. I was retained to analyze the disputed software and determine a method for computing damages. My expert report found that "functionality" and "effort required to create" were both

			better metrics than “number of lines of software”, the measurement proposed by DSA. I also was deposed for several days in this case, provided analysis of other expert reports, and assisted in preparing counsel for depositions. The case was settled.
1997	<i>Knowledge Based Technologies Inc. v. International Business Machines Corp.</i> Case No. 96-9461 (JSR) U.S. District Court for the Southern District of New York	Expert Reports; Deposition	Retained by Morris, Nichols, Arsht & Tunnell LLP (contact: Karen Jacobs Loudon), representing Knowledge Based Technologies. Contract dispute regarding the application of fuzzy logic techniques. I generated an expert report that analyzed several forms of fuzzy logic software to determine whether the software was independently developed. I also was deposed in this case. The case settled.