

## *Nikolaus Baer*



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### **PROFESSIONAL SUMMARY**

Nikolaus Baer is a research engineer at Zeidman Consulting. He has developed software for marine research, optical testing equipment, military terrain databases, mobile applications and medical devices. He has written articles and given presentations about software trade secret theft and how to analyze source code for detecting it. Nik is certified in the use of CodeSuite®. He holds a bachelor's degree in Computer Engineering from UC Santa Barbara, where he attended on a Regents Scholarship. He has placed first in the Start Cup 2004 business plan competition. Nik is currently the president of the Northern California Scholarship Foundation's Alumni Association and a member of IEEE.

### **EXPERIENCE**

#### 08/2006 – present: Zeidman Consulting - Research Engineer

- Runs CodeSuite® and analyzes results for a software IP litigation
- Writes expert reports for software IP litigation
- Performs research on patents and trade secrets
- Writes claim charts for patent infringement analysis
- Develops software analysis tools

#### 08/2006 – 02/2008: Theranos, Inc. - Firmware Developer

- Performed product development including prototype design, implementation, and testing in pre-clinical settings on a multiprocessor system with Java J2ME in the communication environment and real-time C in the device control environment

#### 03/2006 – 08/2006: Zeidman Technologies - Member of Technical Staff

- Developed multifaceted GUI in VB for Ethernet networking emulation software
- Upgraded complex multi-threaded DLL in VC
- Designed and built large data post processing methodology
- Researched and developed data passing algorithms between multi-threaded VC and VB
- Documented source code, and updated help files in RoboHelp

#### 01/2005 – 03/2006: Nascent Systems Technology - Software Developer

- Ported large software application onto small mobile devices using MS Visual C++, eVC++ and Windows API with RS232, Bluetooth, WLAN and USB communication
- Recruited, hired and managed software consultants to reduce development time and increase profit
- Built and maintained marketing website using HTML and JavaScript with Flash demo
- Wrote, edited and published complex applications' demonstrations and tutorials using Microsoft Office
- Developed search solution in Java for making extensive documentation user-friendly which reduced a month long documentation job to a few hours

#### 04/2003 – 01/2005: Vareda Engineering -Project Engineer/Programmer

- Designed and built specialized testing and research equipment
- Built embedded circuits and matching custom drivers for PC control and setup

- Presented to customers and negotiated to tailor end products to customer needs
- Tested, debugged and troubleshot systems
- Supervised aspects of product's embedded programming
- Wrote and edited portions of business proposals

#### Summer 2002: Organic Photometrics - Product Development Manager

- Led the development of new commercial testing equipment addressing the unique needs of organic LED developers
- Put together drivers for light spectrum/strength meters and power supplies
- Integrated complex hardware sensors into a user-friendly aesthetic interface program

#### **EDUCATION**

Technology Entrepreneurship Certificate, UC Santa Barbara 2004

B.S. Computer Engineering (High Honors), UC Santa Barbara 2004

#### **LEGAL CONSULTING/EXPERT WITNESS**

##### 11/2018 – Present: ECIMOS, LLC v. Carrier Corporation

Court: U.S. District Court, Western District of Tennessee

Case: 2:15-CV-2726-JPM-cgc

- Appointed by the Court as Special Master

##### 9/2018 – Present: CardioNet, LLC v. InfoBionic, Inc.

Law Firm: Latham & Watkins

Client: InfoBionic, Inc.

Forum: American Arbitration Association

Case: AAA Case No. 01-17-00044742

- Alleged trade secret misappropriation
- Testified in deposition

##### 6/2018 – Present: VKGS, LLC v. Planet Bingo, LLC, et al

Law Firm: Stinson Leonard Street LLP

Client: VKGS, LLC

Court: District Court of Douglas County, Nebraska

Case: CI-11-8953

- Alleged trade secret misappropriation
- Testified in deposition
- Testified in trial

##### 4/2018 – 5/2018: The State of Missouri v. Eric Greitens

Law Firm: St. Louis Circuit Attorney's Office

Client: The State of Missouri

Court: 22nd Circuit Court, Missouri

Case: Cause No. 1822-CR00642

- Alleged criminal privacy violation
- Researched, analyzed, and compared smartphone camera shutter sounds
- Assisted with writing expert reports

##### 1/2018 - present: Video Gaming Technologies, Inc. v. Castle Hill Studios, LLC, et al

Law Firm: Saul Ewing Arnstein & Lehr LLP

Client: Castle Hill Studios

Court: U.S. District Court, Northern District of Oklahoma

Case: 17-cv-454-GKF-JF

- Alleged trade secret misappropriation of Class II gaming software
- Compared code using CodeSuite
- Assisted with writing expert reports

12/2017 – 9/2018: U.S. Ex Rel Maria Uchytel v. Avanade et al.

Law Firm: Lowe Graham Jones PLLC

Client: Maria Uchytel

Court: U.S. District Court, Western District of Washington

Case: C12-2091-JCC

- Alleged fraudulent procurement of government contracts for computer software
- Compared software source code using CodeSuite
- Assisted with writing expert reports

12/2016 - present: Papst Licensing v. Apple, LG Electronics, ZTE Corporation, Samsung Electronics, Lenovo, Motorola Mobility, Huawei Technologies

Law Firm: DiNovo Price Ellwanger

Client: Papst Licensing

Court: U.S. District Court, Eastern District of Texas, Tyler Division

Case: Civil Action No. 6:15-cv-1095

- Alleged patent infringement of mobile phones
- Read patents
- Examined mobile phones
- Analyzed software source code
- Assisted with writing expert reports

10/2016 – 5/2016: One World Technologies, Inc. d/b/a Techtronic Industries Power Equipment v. The Chamberlain Group, Inc., Inter Partes Review

Law Firm: Morgan, Lewis, & Bockius LLP

Client: One World Technologies, Inc.

Court: Patent Trial and Appeal Board (PTAB)

Case: IPR2017-00214

- Inter partes review
- Alleged trade secret misappropriation of client-server software
- Testified in deposition

9/2016 – 9/2017: CSS v. Christopher Herrington, Gene Yoho and Compiled Technologies

Law Firm: Robinson & McElwee

Client: Christopher Herrington, Gene Yoho and Compiled Technologies

Court: U.S. District Court, Southern District of West Virginia, Charleston Division

Case: Civil Action 2:16-cv-01762

- Alleged copyright infringement of client-server software
- Alleged trade secret misappropriation of client-server software
- Examined software source code

1/2016 – 6/2016: Verasonics v. Alpinion Medical Systems

Law Firm: Davis Wright Tremaine

Client: Verasonics

Venue: American Arbitration Association, International Centre for Dispute Resolution

Case: 01-15-0002-9484

- Alleged trade secret theft
- Compared software source code using CodeSuite

12/2015 – 2/2017: ACI Worldwide v. MasterCard Technologies

Law Firms: Faegre Baker Daniels; Robins Kaplan

Client: ACI Worldwide

Venue: U.S. District Court, District of Nebraska

Case: 8:14cv-00031

- Alleged trade secret theft
- Analyzed software source code
- Assisted with writing two declarations and two expert reports

11/2015 – 2/2016: SalesforceOne LLC. v. Salesforce.com, Inc.

Law Firm: Wilson Sonsini Goodrich & Rosati  
Client: Salesforce.com, Inc.  
Court: U.S. District Court, Northern District of California  
Case: 4:2015-CV-02174

- Alleged trademark infringement

9/2015 - 12/2015: Good Technology Corporation et al v. MobileIron, Inc.

Law Firm: Orrick, Herrington & Sutcliffe LLP.  
Client: MobileIron, Inc.  
Court: U.S. District Court, District of Delaware  
Case: 1:14-CV-01308-LPS-CJB

- Alleged patent infringement

2/2015 – 1/2016: NNG, Kft. v. Ava Enterprises, Inc.

Law Firm: Lewis Roca Rothgerber Christie LLP  
Client: NNG, Kft  
Court: U.S. District Court, Central District of California  
Case: 2:2014-CV-00220

- Alleged copyright infringement

11/2014 – 1/2016: Allure Energy Inc. v. Nest Labs, Inc. et al

Law Firm: White and Case LLP  
Client: Nest Labs, Inc.  
Court: U.S. District Court, Eastern District of Texas  
Case: 9:13-CV-102

- Alleged patent infringement
- Provided expert report
- Testified in deposition

10/2014 - 4/2018: ObjectiVision v. Visionsearch Pty Ltd and University of Sydney

Law Firms: K&L Gates / Marque Lawyers / Allens  
Client: ObjectiVision  
Court: Federal Court of Australia  
Case: NSD 385 of 2014

- Alleged copyright infringement of software for a visual electrophysiology device.
- Compared software source code using CodeSuite
- Researched algorithms
- Assisted with writing expert reports

10/2014 – 1/2016: Cross Mediaworks, LLC and Telamerica Media, LLC v. EMT Holdings, LLC and EMT & S Incorporated

Law Firm: Maxwell & Anderson, LLC  
Client: EMT Holdings, LLC  
Court: U.S. District Court, Southern District of New York  
Case: 14 Civ. 561 (VSB)

- Alleged trade secret misappropriation
- Testified in deposition
- Testified at a hearing

10/2014 - 12/2015: Good Technology Corporation et al v. Airwatch, LLC

Law Firm: Kilpatrick, Townsend, & Stockton LLP.  
Client: Airwatch, LLC  
Court: U.S. District Court, California Central District Court  
Case: CV12-05827-EJD

- Alleged patent infringement

10/2014 - 12/2015: Good Technology Corporation et al v. MobileIron, Inc.

Law Firm: Orrick, Herrington & Sutcliffe LLP.

Client: MobileIron, Inc.

Court: U.S. District Court, Northern District of California

Case: CV12-05826-EJD

- Alleged patent infringement

10/2014 - 10/2016: Delphix Corp. v. Actifio, Inc.

Law Firm: Latham & Watkins

Client: Actifio, Inc.

Court: U.S. District Court, Northern District of California

Cases: 5:14-CV-04613-BLF, 5:14-CV-01047

- Alleged patent infringement

1/2014 – 3/2015: Trebro Manufacturing v. Firefly Equipment et al

Law Firm: Antoinette M. Tease, P.L.L.C.

Client: Trebro Manufacturing

Court: Montana District Court

Case: CV -13-36-BLG-SEH

- Alleged copyright infringement
- Submitted an expert report
- Testified in deposition

12/2013 – 12/2016: InfoSpan Inc et al v. Emirates NBD Bank PJSC

Law Firm: Latham & Watkins

Client: Emirates NBD Bank PJSC

Court: California Central District Court

Case: 8:2011cv01062

- Alleged copyright infringement and trade secret misappropriation
- Provided expert report
- Testified in deposition

6/2013 – 1/2014: Cellebrite Mobile Synchronization v. Micro Systemation

Law Firm: Pearl Cohen Zedek Latzer Baratz LLP

Client: Cellebrite Mobile Synchronization

Court: U.S. District Court, Virginia Eastern District Court, Alexandria Division

Case: 1:13-cv-01014-TSE-TRJ

- Alleged copyright infringement and trade secret misappropriation of mobile device forensic software
- Compared software binary code using CodeSuite
- Assisted with writing a declaration

2/2013 – 5/2017: Metropolitan Health Corporate v. Neil Harvey Associates

Law Firm: Kritzing & Co / Attorneys Zumpt

Client: Metropolitan Health Corporate

Venue: Western Cape High Court, Cape Town, South Africa

Case: 10264/2010

- Case was settled
- Alleged copyright infringement of healthcare administration software
- Compared software source code using CodeSuite
- Assisted with writing an expert report

7/2012 – 6/2012: Elan Microelectronics v. Pixcir Microelectronics

Law Firm: Alston & Bird LLP

Client: Elan Microelectronics

Court: United States District Court, District of Nevada

Case: 2:10-cv-00014-GMN-(PAL)

- Alleged patent infringement.

1/2012 – 7/2013: Robin Antonick v. Electronic Arts

Law Firm: Kecker & Van Nest LLP

Client: Electronic Arts

Court: United States District Court, Northern District of California

Case: 3:11-cv-01543-CRB (EDL)

- Contract dispute
- Alleged copyright infringement
- Examined source code and binary code
- Compared software binary code and source code using CodeSuite
- Assisted with writing expert reports

1/2012 – 6/2012: ThinkOptics v. Nintendo of America, et al.

Law Firm: Nix Patterson & Roach LLP

Client: ThinkOptics

Court: United States District Court, Eastern District Of Texas, Tyler Division

Case: 6:2011cv00454

- Alleged patent infringement

1/2012 – 6/2012: E-Micro Corporation v. Google, et al.

Law Firm: Nix Patterson & Roach LLP

Client: E-Micro

Court: United States District Court, Eastern District Of Texas, Tyler Division

Case: 6:11-CV-465 (JDL)

- Alleged patent infringement

8/2011—6/2012: Bally Technologies, Inc. v. Business Intelligence Systems Solutions

Law Firm: Morgan, Lewis, & Bockius LLP

Client: Business Intelligence Systems Solutions

Court: U.S. District Court, District Of Nevada

Case: 2:10-CV-00440-PMP-RJJ

- Alleged patent infringement of data visualization system.
- Analyzed patents
- Examined source code
- Submitted an expert report
- Testified in deposition

8/2010 – 3/2011: Cross Match Technologies v. Suprema and Mentalix

Law Firm: Latham & Watkins

Client: Cross Match Technologies

Court: United States International Trade Commission

Investigation: 337-TA-720

- Alleged patent infringement of fingerprint scanning software
- Analyzed patents
- Examined source code
- Compared source code using CodeSuite
- Assisted with writing an expert report

4/2010 – 7/2012: Brocade v. A10 Networks

Law Firms: Orrick, Herrington & Sutcliffe; McDermott, Will & Emery

Client: Brocade

Court: U.S. District Court, Northern District Of California, San Jose Division

Case: C 10-03428 LHK (PSG)

- Alleged copying of software for network controllers
- Compared software source code using CodeSuite
- Measured software development using CodeCLOC

3/2010 – 9/2010: Datamaxx v. Computer Products of Illinois

Law Firm: Ausley & McMullen

Client: Computer Products of Illinois

Court: U.S. District Court, Northern District Of Florida, Tallahassee Division

Case: 4:09cv435-RH/WCS

- Alleged copying of software to enable law enforcement
- Compared source code using CodeSuite
- Assisted with writing of a declaration and an expert report

2/2010 – 7/2010: SplitFish v. Bannco

Law Firm: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP

Client: SplitFish

Court: U.S. District Court, Northern Eastern District of Virginia, Alexandria Division

Case: I:10cv297

- Preliminary injunction against defendant granted
- Alleged copying of firmware for video game controllers
- Compared software binary code using CodeSuite
- Assisted with the writing of two declarations

10/2009-11/2009: Sigma Six Technologies and Sigma Six Consulting. v. Nagarro and T-Systems Enterprise Services.

Law firm: Ropers, Majeski, Kohn & Bentley PC

Client: Nagarro

Court: U.S. District Court, Northern District of California

Case: C 08-05633 JW

- Case was settled
- Alleged trade secret infringement case involving enterprise client user interface software

8/2009 – 12/2009: De Lage Landen Operational Services v. Third Pillar Systems

Law Firm: Wilson Sonsini Goodrich & Rosati

Client: Third Pillar Systems

Court: U.S. District Court, Eastern District of Pennsylvania

Case: 09-cv-02439-HB

- Case was adjudicated
- Alleged trade secret misappropriation and contract dispute involving lending and leasing software
- Compared source code using CodeSuite

3/2009 – 2/2011: Financial Systems Technology v. Oracle Corporation

Law firm: Orrick, Herrington & Sutcliffe

Client: Oracle

Court: United States District Court, Eastern District of Texas

Case: 2:08-CV-371

- Case was settled
- Alleged patent infringement case involving database software

2/2009 – 10/2009: Minden Schipper & Associates v. Cancercare Manitoba (Varian Medical Systems)

Client: Varian Medical Systems

Court: Queen's Bench, Winnipeg Centre, Canada

File: CI 05-01-45377

- Case was settled
- Alleged copying of oncology diagnosis expert system software
- Compared source code using CodeSuite

11/2008 – 1/2010: Applied Materials v. Advanced Micro-Fabrication Equipment Co.

Law firm: Goodwin Procter

Client: Applied Materials

Court: U.S. District Court, Northern District Of California

Case: C07 05248 JW (PVT)

- Case was settled
- Alleged copying of software for semiconductor manufacturing machines
- Compared source code using CodeSuite

9/2008 – 9/2009: Abanco Investments LLC v. GuestLogix Inc.

Law firm: Patterson, Thunte, Skaar & Christensen

Client: GuestLogix

Court: U.S. District Court, Northern District of Illinois

Case: 07 C 1071

- Case was settled
- Alleged trade secret theft involving point-of-sale software
- Compared source code using CodeSuite
- Assisted with the writing of an expert report.

7/2008-10/2008: Facebook, Inc. v. StudiVZ Ltd.

Law firm: Orrick, Herrington & Sutcliffe

Client: Facebook

Court: U.S. District Court, Northern District of California

Case: 5:08-CV-03468 JF

- Case was settled
- Alleged copyright infringement case involving web-based social networking software
- Compared source code using CodeSuite

04/2008 – 11/2008: Intelligraphics, Inc. v. Marvell Semiconductor, Inc.

Law firm: Sommers and Schwartz

Client: Intelligraphics

Court: U.S. District Court, Northern District Of California, San Francisco Division

Case number: C-07-2499 JCS

- Contract dispute case involving WLAN firmware and drivers
- Compared source code using CodeSuite
- Assisted with the writing of an expert report

03/2008 – 08/2008: Carl Zeiss Meditec v. Optovue

Law firm: Nixon Peabody

Client: Carl Zeiss Meditec

Court: U.S. District Court, Northern District of California - Oakland Division

Case number: C 07-03010 CW

- Case was settled
- Alleged copyright/trade secret theft case involving optical coherence tomography software
- Compared source code using CodeSuite
- Assisted with the writing of an expert report

2/2008 – 7/2008: Symantec v. Commissioner of Internal Revenue

Law firm: Baker & McKenzie

Client: Symantec

Court: US Tax Court

Case: 12075-06

- Case was adjudicated
- Software tax dispute
- Compared source code using CodeSuite

08/ 2006 – 08/2007: AdTech RFID v. Adept Identification Technologies

Law firm: Wilson Sonsini Goodrich & Rosati

Client: Adept Identification Technologies

Court: Santa Clara County Superior Court

Case: 1-06-CV-057464



- Case was settled
- Alleged trade secret theft case involving RFID software
- Compared source code using CodeSuite
- Assisted with the writing of an expert report

## PAPERS AND PRESENTATIONS

1. Baer, N., and Ahuja, J., "Protecting and Tracking Confidential Materials," *Intellectual Property Today*, May 2012.
2. Baer, N. and Zeidman, B., "Measuring Whitespace Pattern Sequences as an Indication of Plagiarism," *Journal of Software Engineering and Applications*, 2012, April 2012.
3. Shay, I., Baer, N., and Zeidman, R., "Measuring Whitespace Patterns in Computer Source Code as an Indication of Plagiarism," *Intellectual Property Today*, October 2010.
4. Shay, I., Baer, N., and Zeidman, R., "Measuring Whitespace Patterns as an Indication of Plagiarism," ADFSL Conference on Digital Forensics, Security and Law, May 20, 2010.
5. Baer, N. and Zeidman, B., "Measuring Changes in Software with CLOC," *Embedded.com* ([www.embedded.com](http://www.embedded.com)), July 28, 2009.
6. Baer, N. and Zeidman, B., "Measuring Changes in Software IP," *Intellectual Property Today*, May 2009.
7. Baer, N. and Zeidman, B., "Measuring Software Evolution with Changing Lines of Code," 24th International Conference on Computers and Their Applications (CATA-2009), April 10, 2009.
8. Baer, N., *Discovering Software Trade Secret Theft*, Silicon Valley CodeCamp, 11/2008
9. Zeidman, B. and Baer, N., *What, Exactly, Is Software Trade Secret Theft?* *Intellectual Property Today*, March 2008.
10. Baer, W. and Baer, N., *Battlefield Visualization and Database Creation System Using One Meter Terrain*, *Proceedings of the ITEA Modeling and Simulation Workshop*, 12/2005.

## PATENTS:

1. Baer, N. and Baer, W., *Interest-Attention Feedback System for Separating Cognitive Awareness into Different Left and Right Sensor Displays*, U.S. Patent 9,805,612.

## AWARDS & MEMBERSHIP

- First Place (\$10,000) Start Cup 2004 (Business Plan Competition)
- President of Alumni Association: Northern California Scholarship Foundation
- UCSB's Regents Scholarship, Chancellors Award, Honors, Dean's Honors
- Tau Beta Pi: Engineering Honor Society
- Member, IEEE

## TECHNICAL SKILLS

- Bluetooth
- Circuit Manufacturing
- CodeSuite®
- Embedded Circuit Design
- Embedded Programming
- Ethernet
- Java Networking
- LabVIEW
- Peripheral Drivers
- Product Testing
- Programming Languages
  - Assembly
  - Basic

- C
- C++
- C#
- COBOL
- Flash ActionScript
- Fortran
- FoxPro
- Go
- HTML
- Java
- JavaScript
- Objective-C
- OpenEdge
- Perl
- PHP
- PowerHouse
- Progress
- Python
- Ruby
- Scala
- SQL
- Swift
- TAL
- Visual Basic
- Visual C++
- Sockets
- Windows
- WLAN

#### **PROFESSIONAL SKILLS**

- Budgeting
- Business Proposals
- Customer Support
- Employee Management
- Project Management
- Technical Writing