



April 29, 2015

“The CASE”

Innovation and Effectiveness Under Fire

The Case that we are or may be talking about – it requires an expert who is truly top-notch, skilled, but also suave, tactful, and innately skilled in the “art” of communication under duress and fire. This expert must be perceived and understood to be strategically unstoppable and unbreakable. He must be able to come up with ingenious perspectives, facts, and answers, dynamically, rapidly, fluidly. He must be able to do so unflinchingly while “under fire and bombardment” by opposing counsel.

That is a reasonable and fair description of myself in the capacity of providing expert witness consultation and testimony.

The Case, it is like *“a pistol looking for a high-caliber bullet.”* Poetic, if not also a graphic metaphor.

I provide that *high-caliber bullet*. The penetrating point, the cutting edge, the “special touch.”

OK. Now to the proverbial “bullet list.” This is brief, and we can go into more details when we are discussing a particular upcoming case for which you desire to retain and have an expert such as myself on your team.

Note that this is written with a general focus upon certain areas of expertise and relevance to intellectual property issues as well. My CV and other professional material, references, commendations, and productions bear testimony to my expertise in specific areas of the physical, life, and computational sciences. Such material is available at <http://martin.tdyn.org>.

My rates vary according to the case and the circumstances, and these rates accommodate the contexts, opportunities and needs appropriately, for consultation, appearances and depositions, and travel. I am rather selective in the engagements that I accept. To engage in a relationship is to make a firm, strong commitment for seeing the matter through to its winning conclusion.

All the Very Best,

Martin D

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## Why it is Important to have Martin on Your Case Team as an Expert

§ My professional and scientific background, spanning from basic research to technology transfer and virtually all aspects of intellectual property, patents and patentability, and IP security, with direct experience and knowledge at multiple levels (e.g., inventor, producer, acquirer, customer/buyer, competitor, and from the national security perspective), and in multiple contexts (corporate, academic, non-profit organization/agency, consortium/joint-venture, international, multinational).

§ My experience serving in multiple and cross-linked capacities – research, development, product support and training, quality assurance/control, team/staff management, and interdepartmental management functions, spanning organizations ranging from startups to Fortune 100 firms, and particularly with USA and European governmental, security, and other public agencies.

§ My experience serving in litigation and legal support with my skills and expertise for criminal as well as civil matters and in jurisdictions ranging from circuit court to federal and including appeals.

§ The breadth of my knowledge base and experience in the scientific and technical domains, and particularly within domains of physics, life sciences, and computational sciences including “information technology”, coupled with my innate abilities in both analytical and synthetic thinking. The following material is centered upon the general field of materials and procedures involving dangerous, toxic, lethal, or otherwise hazardous substances, including chemicals, biological organisms and pathogens, radioactive materials, and explosives:

- ◆ In one criminal case this involved presentation of findings that carried the decisive weight of argument, resulting in an acquittal of specified charges for an individual, pertaining to the flaws in both chain-of-custody for biological samples and accuracy of the laboratory procedures employed by the prosecution.
- ◆ In two cases this involved analysis of potential liabilities and risks due to the perceived inadequate provisioning of both human and electronic sensors, detectors, monitors and inspection procedures, relating to toxic and volatile chemicals including munitions and weapons-grade devices.

§ Very frequently, the technical topics of the case-at-hand, and the language employed in defining and describing the subject matter, the examples, and the claims, are quite familiar and fluid to me. This is because of my work not only in recent and case-specific R&D but over an extended career spanning the history of related-technology development. This includes earlier architectures, designs, and especially methods and protocols of handling and analysis, dating back to earlier decades, that would not be recognized by many, including in the list of potential defendants/potential-defendants, as being relevant to the topics.

§ In my biomedical and healthcare-relevant work, issues of false positives, false negatives, flaws in existing systems, flaws in chain-of-custody procedures, and countermeasures for deliberate intrusion and theft, have been paramount. I have also worked on extensive patent searches and reviews, in addition to analyses of technical papers and actual hands-on use of different instrumentation, analytical methods and standard operating procedures, and LIMS (laboratory information management software systems) for these purposes.

§ Preparation of materials for use by corporate legal teams in patent and other IP infringement cases when employed as a scientist and/or professor.

§ Analysis of data acquisition, sample handling, sample retention, and laboratory procedures in three criminal cases where the basis for charges rested strongly upon alleged transmission of infectious disease agents (bacteria) from one individual to another.

§ Analysis of a hospital's infectious disease control procedures for effectiveness against MRSA and other potential high-lethality microorganisms.

§ Analysis of alternative methods and procedures for accurate testing of Highly Volatile Organic Compounds (HVOC) in petrochemical plants, with direct relevance in the cases to issues and claims brought by plaintiffs regarding long-term health effects from inadequate and misleading practices for handling of toxic chemicals released in the production of petrochemical products.

§ Familiarity with patent procedures and litigation issues pertaining to joint-ventures and international-consortium-sponsored research (e.g., ISTC – Int'l Science and Technology Center) funded by the US government and multiple other governmental and NGO parties, and pertaining to a very wide range of inventions and patents. Most of these issues involved a complex mix of technologies from US, EU, Israel, and specifically former Soviet Union states (Russia and Ukraine in particular), both with and without foreign patents involved. Most of this related to two areas: (1) sub-micron semiconductor technologies, fabrication methods and in particular imaging, mathematics, algorithms, and actual software, and (2) biomedical devices and treatments (antimicrobial, pharmaceutical).

§ (Four different cases) Analysis of the use and lack of use of proper antimicrobial bioprotection treatments (physical) in facilities employed for (a) food production, (b) beverage production, (c) athletics, and (d) education.

§ Over a period of twenty-five years, I have been engaged, as an employee or as a consultant-principal, in several matters concerning export control relating to software and electronics (sensors, detectors, materials (CBRNE types) imaging, and cryptography) which involved either foreign technology of national security significance or US-based technology with significance and regulation under such structures as CCL, USML and NRCC. Some of this work was done on behalf of federal agencies responsible for investigating potential criminal activity in these matters.

§ Strong and deep-rooted sensitivity and awareness with respect to foreign cultures, personalities, environments, and issues of both legal and psychological importance for negotiations and case development.

§ Natural disposition and ability to work in actual and virtual classified environments with respect to the case.

§ Style, skills, manners, and personality that serves extremely well the interests of counsel when faced by knowledgeable, experienced and aggressive opposing teams.

§ Impeccable personal and professional conduct that precludes opportunities for opposing counsel to detract from the value of my qualifications and testimony, written or verbal.

§ I live and work by the ACCORD principle:

Accurate, Consistent, Complete, On-Time, Reliable, Defensible

Sincerely,

Dr. Martin Joseph Dudziak, PhD <http://expertwitness.tdyn.org>

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