



April 21, 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.

§ 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 internet and cybersecurity, including “internet of things” (IoT) and wireless, social-network, and cloud computing technologies, to represent some of my capabilities which also extend into other fields:

- ◆ In one given area [here: internet, AI and cybersecurity-focused] my work, and the intellectual property reviews (necessary in order to determine who had different products, patents, and likely competitive or pre-emptive technology) spanned issues of speed, resource allocation, load-balancing, fault-tolerance, cybersecurity (multiple aspects), anomaly detection, pipeline monitoring, configuration optimization and management, predictive demand/load forecasting, and platform independence capabilities. This level of competence and versatility comes from doing much for many, methodically and carefully, and for a long time. Excellent memory retention also helps!

§ 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 and designs from even the 1980's that would not be recognized by many, including in the list of potential defendants/potential-defendants, as being relevant to the topics.

§ In my IT-relevant work, issues of improvements, solutions for flaws in existing systems, and countermeasures for deliberate intrusion and cyberattacks, have been paramount, and have included extensive patent searches and reviews, in addition to analyses of technical papers and actual hands-on use of different software systems for these purposes. This work includes a major (comparable) system for a Fortune 100 employer, one upon which the integrity and efficiency of production and future production planning and scheduling, depended.

§ Preparation of materials for use by corporate legal teams in patent and other IP infringement cases when employed as a scientist by the following companies and institutions:

- Battelle Laboratories (focus upon new , patentability, defensibility, and investment analysis);
- SGS-Thomson (now ST Microelectronics; the same as above, with respect to new chip designs, and also in direct assistance to the legal team that conducted and won a major case of patent infringement against a major foreign semiconductor manufacturer;
- Commonwealth of Virginia (issues of IP claims relating to competing bidders on a large IT project);
- Virginia Commonwealth University and Virginia Biotechnology Center (technology transfer/acquisition areas, and proactive defense preparation, on behalf of the university and medical school);

- Silicon Dominion Corporation (patent development, licensing and joint venture topics);
- Intel Corporation (patent issues for Intel Capital, a division/subsidiary, and also multi-national patent reviews pertaining to infringement cases related to AMD and Chinese chip-makers;
- KLA Tencor (proactive addressing of cybersecurity and information export concerns with respect to an offshore technology center;
- TetraDyn Ltd. (pertaining to in-house IP and patent development and as consulting to clients, including an alternative/renewable energy powered engine that involved a large number of patent issues);
- Non-disclosed clients - (case matters pertaining to tampering and data fraud with wearable wireless devices including but not limited to smartphones and tablets.

§ 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).

§ A unique set of experience and “virtual training” pertaining to accounting and auditing, which included the tutoring and coaching of persons studying for CPA-exam related courses and examinations. This experience arose in the capacity of working as a tutor and mentor to accountants and related professionals. I focused upon topics pertaining to intellectual property, patents, investments (of diverse types and vehicles, equity-based venture capitalization in particular). I have consulted as an expert on matters pertaining to immigration and also export-import and export control (e.g., ECCN, CCL).

§ 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,

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