

# EXHIBIT 2

1 BINGHAM McCUTCHEM LLP  
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14

Attorneys for Plaintiffs  
15 Oracle USA, Inc., Oracle International  
Corporation, Oracle EMEA Limited, and Siebel  
16 Systems, Inc.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 OAKLAND DIVISION  
20

21 ORACLE USA, INC., *et al.*,  
22 Plaintiffs,  
23 v.  
24 SAP AG, *et al.*,  
25 Defendants.

Case No. 07-CV-1658 (PJH) EDL

**ORACLE'S SUPPLEMENTAL INITIAL  
EXPERT DISCLOSURES**

1 **TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:**

2 Pursuant to the June 11, 2009 Pretrial Scheduling Order (“Pretrial Order”) and the  
3 parties’ agreement, Plaintiffs Oracle USA, Inc., Oracle International Corporation, Oracle EMEA  
4 Limited, and Siebel Systems, Inc. (collectively, “Oracle”) make the following supplemental  
5 initial expert witness designations. Oracle will provide expert reports for the following experts  
6 as ordered by the Court in the Pretrial Order. Further, Oracle provides these designations based  
7 on its present information and based on its present understanding. Oracle has not completed its  
8 investigation and discovery of all facts relating to this case, and has not completed its preparation  
9 for trial. Moreover, Oracle provides these initial designations without disclosure by Defendants  
10 TomorrowNow, Inc., SAP America, Inc., and SAP AG (collectively, “Defendants”) regarding  
11 those individuals Defendants intend to use at trial to present evidence pursuant to Federal Rules  
12 of Evidence 702, 703, and 705. Oracle is also without disclosure by Defendants of those lay  
13 persons Defendants intend to use at trial to present evidence. Therefore, in addition to the  
14 experts designated herein, Oracle reserves the right to designate additional witnesses pursuant to  
15 the Pretrial Order, and Federal Rule of Civil Procedure 26, for rebuttal or other purposes.

16 Subject to and without waiving the foregoing, Oracle provides the following  
17 supplemental information about the previously disclosed person(s) who Oracle may call at trial  
18 to present evidence under Federal Rule of Evidence 702, 703, or 705:

- 19 1. Name: Dan Levy, PhD  
20 Address: Advanced Analytical Consulting Group Inc.  
21 211 Congress Street  
22 Boston, MA 02110

23 General Subject of Testimony: Dr. Levy will testify about statistical  
24 analyses used to extrapolate occurrences and rates of infringement or misuse of  
25 Oracle’s intellectual property, from a sample to a larger population.

26 Rate for Deposition/Trial Testimony: \$627/hour

27 Revised CV with publications for last 10 years attached as Exhibit B

1           2.    Name:       Doug Lichtman  
2                    Address:    UCLA School of Law  
3                            405 Hilgard Avenue  
4                            Los Angeles, CA 90095

5                    General Subject of Testimony: Mr. Lichtman will testify about damages  
6                    related to intellectual property, including the harm associated with infringement  
7                    or misuse and the benefits of enforcement against infringement or misuse.

8                    Rate for Deposition/Trial Testimony: \$665/hour

9                    List of relevant testimony and publications for last 10 years attached as  
10                   Exhibit C

11  
12           3.    Name:       Kevin Mandia  
13                    Address:    Mandiant, Inc.  
14                            675 North Washington Street  
15                            Suite 210  
16                            Alexandria, VA 22314

17                    General Subject of Testimony Mr. Mandia will analyze, calculate, and  
18                    testify about the types and scope of Defendants' infringement and misuse of  
19                    Oracle's intellectual property and about Defendants' access to Oracle's support  
20                    websites.

21                    Rate for Deposition/Trial Testimony: \$400/hour

22                    List of relevant testimony attached as Exhibit D

23           4.    Name:       Paul Meyer  
24                    Address:    Navigant Consulting, Inc.  
25                            One Market Street  
26                            Spear Street Tower, Suite 1200  
27                            San Francisco, CA 94105

28                    General Subject of Testimony: Mr. Meyer will analyze, calculate, and

1 testify to the ways and amounts by which Oracle has been damaged by  
2 Defendants' actions, including under its various causes of actions, and according  
3 to its various measures of harm.

4 Rate for Deposition/Trial Testimony: \$600/hour

5 List of relevant testimony attached as Exhibit E

6  
7 5. Name: Paul Pinto  
8 Address: Sylvan V.I., Inc.  
9 13525 Blakmaral Lane  
10 Alpharetta, GA 30004

11 General Subject of Testimony: Mr. Pinto will analyze, calculate, and  
12 testify to the costs associated with software product development.

13 Rate for Deposition/Trial Testimony: \$381/hour

14 List of relevant testimony attached as Exhibit F

15  
16 6. Name: Francoise Tourniaire  
17 Address: FT Works  
18 71 Cody Lane  
19 Los Altos, CA 94022

20 General Subject of Testimony: Ms. Tourniaire will testify as to industry  
21 standards for customer-facing website security, including use of passwords or  
22 other credentials.

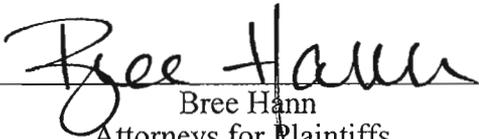
23 Rate for Deposition/Trial Testimony: \$300/hour

24 List of publications for last 10 years attached as Exhibit G

1 DATED: October 16, 2009

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Bingham McCutchen LLP

By:   
Bree Hann  
Attorneys for Plaintiffs  
Oracle USA, Inc., Oracle International Corporation,  
Oracle EMEA Limited, and Siebel Systems, Inc.

1 **PROOF OF SERVICE**

2 I am over 18 years of age, not a party to this action and employed in the  
3 County of San Francisco, California at Three Embarcadero Center, San Francisco, California  
4 94111-4067. I am readily familiar with the practice of this office for collection and processing  
5 of correspondence by U.S. Mail and Electronic Mail, and they are deposited and/or sent that  
6 same day in the ordinary course of business.

7 Today I served the following document:

8 **ORACLE'S SUPPLEMENTAL INITIAL**  
9 **EXPERT DISCLOSURES**

10  (BY ELECTRONIC MAIL) by transmitting via electronic mail document(s) in  
11 portable document format (PDF) listed below to the email address set forth below  
12 on this date.

13  (BY MAIL) by causing a true and correct copy of the above to be placed in the  
14 United States Mail at San Francisco, California in sealed envelope(s) with postage  
15 prepaid, addressed as set forth below. I am readily familiar with this law firm's  
16 practice for collection and processing of correspondence for mailing with the  
17 United States Postal Service. Correspondence is deposited with the United States  
18 Postal Service the same day it is left for collection and processing in the ordinary  
19 course of business.

17 Robert A. Mittelstaedt, Esq.  
18 Jason McDonell, Esq.  
19 Elaine Wallace, Esq.  
20 Jones Day  
21 555 California Street  
22 26th Floor  
23 San Francisco, CA 94104  
24 Tel: (415) 626.3939

Tharan Gregory Lanier, Esq.  
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Jones Day  
1755 Embarcadero Road  
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ramittelstaedt@jonesday.com  
jmcdonell@jonesday.com  
ewallace@jonesday.com

24 I declare that I am employed in the office of a member of the bar of this court at  
25 whose direction the service was made and that this declaration was executed on October 16,  
26 2009, at San Francisco, California.

27 

28 Lisa S. Lee

# **EXHIBIT B**

**DANIEL S. LEVY**

**ECONOMIST**

**EDUCATION**

Ph.D., Economics, The University of Chicago

A.B., Economics, The University of Chicago (With Special Honors in Economics)

Daniel S. Levy specializes in applications of economics and statistics in the study of corporate structures related to industrial organization/antitrust, damages issues, and corporate performance.

He has studied economic, statistical and computing issues in a number of industries, including, airlines, environment, oil and gasoline, healthcare, labor markets, pharmaceuticals, telecommunications, and high technology markets among others. His work includes detailed analyses and valuations of corporate functions, risks, and assets for international corporations for use in business decision and litigation. He has testified in state and federal court and government agencies.

Antitrust and Industrial Organization: For antitrust matters, he has studied the ability of collusive agreements to increase prices and has investigated the extent to which primary customers can pass along price increases to secondary customers. In addition, his work has focused on basic chemicals and commodities. He has studied international and national market prices for commodities such as citric acid, nickel, vitamins oil and gasoline.

Statistics and Sampling: He has also testified about sampling and statistical issues in Federal Court, presented statistical issues to the Department of Justice, the Securities Exchange Commission, other Government Agencies, and served as a court appointed Expert Arbitrator for the United States Internal Revenue Service.

Dr. Levy has developed and implemented advanced analytical methods for quality control tests for major corporations. For more than a decade, Dr. Levy led a team of economists and statisticians in monthly testing of quality of service for multiple telecommunications companies. He also has performed economic and statistical work in telecommunications, transportation, manufacturing, financial services, mining, oil and gas, consumer durables, healthcare, pharmaceuticals and medical devices industries. He has extensive experience in developing statistical methods for practical business applications.

Finance and Financial Services: He has worked on a number of cases involving late trading and rapid trading issues and Market Maker trading behavior brought against financial institutions by the Securities and Exchange Commission and the New York Attorney General. He has performed a wide range of event studies for securities valuations for 10B-5 disputes and for general

damages. He has estimated damages associated with late and rapid trading. He had studied the appropriate use of interest rates for use in damages models. He has presented his research in Federal Court, and before government agencies including DOJ, NY-OAG, FCC, and SEC among others.

He is expert in numerous statistical and modeling applications, and has modeled complex economic and social factors affecting, labor, demographic and market behavior.

Prior to Founding Advanced Analytical Consulting Group, Dr. Levy was the National Market Leader or Economic and Statistical Consulting for Deloitte Financial Advisory Services, had served as the Global Leader of Economic Consulting for Arthur Andersen. Prior to that he held research and consulting positions at Charles River Associates, The RAND Corporation, Needham-Harper Worldwide Advertising, SPSS Inc. and The University of Chicago Computation Center.

#### **EXPERT TESTIMONY/AFFIDAVITS**

- Drs Newco III, Inc v. Night Vision Equipment Company Holding, Inc, 2008, Expert Report, Testimony, *Damages in High Technology Market*.
- Invesco Institutional (N.A.) Inc v Deutsche Investment Management Americas, Inc, 2008, Expert Report, *Damages in Financial Services Industry*.
- Securities and Exchange Commission v. Kenneth D. Pasternak and John P. Leighton, 2007, 2008. Expert Report, Testimony, *Securities Trading and Market Making Damages*.
- Cytologix v. Ventana, 2002, 2007 Expert Report, Depositions, Testimony, *Antitrust in High Technology Medical Market*.
- Rubin Squared Inc. v. Cambrex Corporation, 2006 Case No. 03-CIV. 10138(PAC) Expert Report.
- Polaris Industries Inc. v. Commission of Revenue, 2005, Expert Report, Minnesota Tax Court, Docket No. 7694-R
- Before the New Mexico Department of Insurance, 2004, Expert Report, *Health Insurance Merger*.

- Carolyn Fears, et al. v. Wilhelmina Model Agency, Inc., et al., 2003, Expert Report and Deposition, *Antitrust Price-Fixing*.
- Shoshone and Arapaho Indian Tribes v. the United States of America, 2003, Expert Report and Deposition, *Statistical Sampling*.
- Pechiney Plastic Packaging Inc. v. Continental PET Technologies Inc. 2002, Expert Report and Deposition, 2002, *Statistical Sampling/Patent Infringement*.
- Before the Illinois Commerce Commission, 2001, Expert Report and Testimony, *Statistical Methods*.
- IRS Expert Arbitrator, 2000, James Schilling Inc., v. Internal Revenue Service, *Expert Arbitrator Report and Decision*.
- Before the Wisconsin Public Utilities Commission, 2000, Expert Report and testimony *Statistical Methods*.
- Expert Witness, 1999, before the New Mexico Insurance Commissioner, *Hospital Merger*
- Before the Michigan Public Service Commission, 1998, Expert Affidavit, *Statistical Analysis*.
- Statistical Methods for Parity Tests of Telecommunications Resale and Retail Markets, Before the Indiana Public Service Commission, 1998, Expert Affidavit, *Statistical Analysis*.
- Before the FCC, CC Docket No. 98-56, RM-9101, 1998, Expert Affidavit, *Statistical Analysis*.
- Graber, A. et al. v. Giuliani, United States District Court Southern District of New York, 1998, Expert Affidavit and Deposition, *Statistical Sampling and Survey Research*.
- Marisol, A. et al. v. Giuliani, United States District Court Southern District of New York, 1998, Expert Affidavit and Deposition, *Statistical Sampling and Survey Research*.
- DFW v. Continental Air Lines, Texas, 1998, Expert Deposition and Testimony.
- Randall's Food Markets, Inc., v. Fleming Companies, Inc., The American Arbitration Association Dallas, Texas, June, 1998, Expert Affidavit, *Statistical Sampling*.

- Randall's Food Markets, Inc., v. Fleming Companies, Inc., The American Arbitration Association Dallas, Texas, February 1998, Expert Report, *Statistical Sampling*.
- Donald E. Haney v. Timesavers Inc., et al. United States District Court, District of Oregon, January 1998, Expert Testimony, *Patent Infringement*.
- Merck-Medco Managed Care Inc. v. Rite Aid Corporation et al. Northern District of Maryland, May 1997, Expert Deposition, *Antitrust*.
- Donald E. Haney v. Timesavers Inc., et al. United States District Court, District of Oregon, July 1997, Expert Report, *Patent Infringement*.
- Kenneth Heubert Williams v. Honri Vashon Hunt et al., State of Michigan in the Circuit Court for the County of Oakland, May 1997, Expert Deposition, *Value of Life*.
- Merck-Medco Managed Care Inc. v. Rite Aid Corporation et al. Northern District of Maryland, April 1997, Expert Report, *Antitrust*.
- Robinson Rubber et al. V. Hennepin County, Minnesota, United States District Court, District of Minnesota, Fourth Division, April 1997, Expert Deposition, *Antitrust*.
- Robinson Rubber et al v. Hennepin County, Minnesota, United States District Court, District of Minnesota, Fourth Division, April 1997, Expert Report, *Antitrust*.
- Massachusetts Wholesalers of Malt Beverages, Inc., v. Commonwealth of Massachusetts et al, Suffolk Superior Court, 1996, Expert Testimony, *Financial Damages*.
- Luke Brothers v. S. P. Krusell, US District Court, District of Massachusetts, July 1996, Expert Affidavit, *Antitrust Price-Fixing*.
- Luke Brothers v. S. P. Krusell, US District Court, District of Massachusetts, August 1996, Expert Affidavit, *Antitrust Price-Fixing*.
- Daras v. Texaco Inc, 1993, Affidavit.
- Environmental Protection Agency: Navajo Generating Station, 1991, Public Comment, *Valuation of Environmental Damages*.

## PROFESSIONAL EXPERIENCE

2009 – Present	National Managing Director, Advanced Analytical Consulting Group, Inc.
2002 - 2009	National Leader Economic and Statistical Consulting, Deloitte FAS L.L.P.
2001 - 2002	Global Leader of Economic Consulting, Arthur Andersen L.L.P.: SFE
1998 – 2001	National Leader of Economic Consulting, Arthur Andersen L.L.P.: SFE
1996 – 1998	Director of Economics, Arthur Andersen L.L.P.:CRCO
1995 - 1996	Economist, Arthur Andersen L.L.P.
1991 - 1995	Senior Associate, Charles River Associates
1988 - 1991	Associate Economist, The RAND Corporation
1985 - 1988	Computer Advisor, University of Chicago Computation Center
1982 - 1985	Research and Teaching Consultant, SPSS Inc.
1981 - 1982	Research Consultant, Needham, Harper Worldwide Advertising

## PROFESSIONAL HONORS AND ACTIVITIES

- Earhart Fellowship for graduate research in economics, 1982 - 1983
- Hewlett Grant for research in developing countries, 1985 - 1986; renewed, 1986 - 1987
- CBS Bicentennial Scholarship for research on events leading to the American Revolution, 1986 - 1987
- Homer and Alice Jones Fellowship, University of Chicago, 1987 - 1988
- American Economics Association, 1988- Present
- Population Association of America, 1988-1991

## PAPERS, PRESENTATIONS, AND PUBLICATIONS

Daniel S. Levy. “New Econometric Techniques for Transfer Pricing.” Presented at the American Bar Association Annual Meetings, August, 1997.

Daniel S. Levy et al. “Economics and the New Transfer Pricing Regulations: Achieving Arm’s Length Through the Invisible Hand.” Special Report to *Transfer Pricing Reporter*, Vol. 4, No. 2, May 24, 1995.

Daniel S. Levy and Deloris R. Wright. “In the OECD and the United States, It’s the Arm’s- Length Principle that Matters: Comparison of New Transfer Pricing Regulations.” *International Transfer Pricing Journal* 1, No. 2, January 1995.

Robert Fagan, Manjusha Gokhale, Daniel S. Levy, Peter Spinney, and G.C. Watkins. “Estimating DSM Program Impacts for Large Commercial and Industrial Electricity Users.” Presented at 1995 International Energy Program Evaluation Conference, Chicago, IL, August 1995.

Talk on the EPA's decision to require the Navajo Generating Station to reduce emissions to protect visibility in the Grand Canyon. Panel on "Valuation of Environmental Resource Damages," CRA conference on *Economists' Perspectives on Legal Issues Today: Estimating Damages*, Boston, MA, April 23, 1992.

Daniel S. Levy et al. "Conceptual and Statistical Issues in Contingent Valuation: Estimating the Value of Altered Visibility in the Grand Canyon." (MR-344-RC). Santa Monica, CA: RAND Corporation, 1995. Draft submitted to the Environmental Protection Agency, March 1991.

Daniel S. Levy and D. Friedman. "The Revenge of the Redwoods?: Reconsidering Property Rights and Economic Allocation." *The University of Chicago Law Review* (April 1, 1994). Reprinted in *Land Use and Environment Law Review* 26 (September 1995).

Lois Davis, Susan Hosek, Daniel S. Levy and Janet Hanley, "Health Benefits for Military Personnel: An Overview of Their Value and Comparability to Civilian Benefits" (WD-5875-FMP). Santa Monica, CA: RAND Corporation, February 1992.

D. Buddin, J. Hanley, Daniel S. Levy, and D. Waldman. *Promotion Tempo and Enlisted Retention* (R-4135-FMP). Santa Monica, CA: RAND Corporation, August 1991.

Daniel S. Levy et al. "Comments On Contingent Valuation of Altered Visibility in the Grand Canyon Due to Emissions from the Navajo Generating Station." Presented to the Environmental Protection Agency, April 18, 1991.

Daniel S. Levy. "The Economic Demography of the Colonial South." Ph.D. Thesis, Department of Economics, University of Chicago, 1991.

J. DaVanzo and Daniel S. Levy. "Influences on Breastfeeding Decisions in Peninsular Malaysia." Presented at *The Yale Conference on the Family, Gender Differences, and Development*, September 1989.

Daniel S. Levy. "Long-Run Geographic and Temporal Changes in Mortality in the Colonial South." Presented at the annual meeting of the Population Association of America, Baltimore, 1989. Submitted 1995 to *Social Science History*.

Daniel S. Levy. "The Economic Determinants of Family Sizes in Colonial Maryland: Evidence from Colonial Legislators of Maryland." Presented at the Social Science History Association, Chicago, 1989.

Daniel S. Levy. "The Epidemiological Causes of Changing Political Life Expectancies." Manuscript, 1989.

Daniel S. Levy. "The Life Expectancies of Colonial Maryland Legislators." *Historical Methods* 20, No. 1 (Winter 1987): 17–27.

David W. Galenson and Daniel S. Levy. "A Note on Biases in the Measurement of Geographic Persistence Rates." *Historical Methods* 19, No. 4 (Fall 1986): 171–179.

# **EXHIBIT C**

## Additional Disclosures

Doug Lichtman

### Publications 1999 thru 2009

#### Books:

Telecommunications Law and Policy (with Stuart Benjamin, Howard Shelanski & Philip Weiser). 2nd ed. (Carolina Academic Press, 2006). Previous edition: 1<sup>st</sup>, 2001.

#### Articles:

“Presume Nothing,” in Regulating Innovation: Competition Policy and Patent Law Under Uncertainty (Manne & Wright, eds.) (Oxford Univ. Press, 2010) (with Mark Lemley). Earlier version published as “Rethinking Patent Law’s Presumption of Validity,” 60 Stanford Law Review 45 (2007).

“Copyright as Innovation Policy: Google Book Search from a Law and Economics Perspective,” in 9 Innovation Policy and the Economy (National Bureau of Economic Research, Volume 9, Josh Lerner & Scott Stern, eds. 2009).

“YouTube’s Future—and Yes, It Has One,” Academic Advisory Council Bulletin 2.3, Progress & Freedom Foundation (December 2007).

“Irreparable Benefits,” 116 Yale Law Journal 1284 (2007).

“Aligning Patent Presumptions with the Reality of Patent Review,” Public Policy Pamphlet Series, Hamilton Foundation (December 2006).

“Patent Holdouts and the Standard-Setting Process,” Academic Advisory Council Bulletin 1.3, Progress & Freedom Foundation (May 2006).

“What to do about Bad Patents,” (with Mark Lemley & Bhaven Sampat), Regulation Magazine (Vol. 28, Winter 2005). Reprinted in IP Law & Business (December 2005).

“Substitutes for the Doctrine of Equivalents,” 93 Georgetown Law Journal 2013 (2005).

“How the Law Responds to Self-Help,” 1 Journal of Law, Economics, and Public Policy 215 (2005). Excerpted as “Captive Audiences and the First Amendment” in The University of Chicago Law School Record (Spring 2005). Modified and republished as “Defusing DRM” in IP Law & Business (February 2006).

“Holding Internet Services Providers Accountable,” in The Law & Economics of Cybersecurity (with Eric Posner), Mark Grady & Francesco Parisi, eds.,

Cambridge University Press (2006). Edited version published in Regulation Magazine (January/February 2005). Republished in 14 Supreme Court Economic Review (2006).

“Rethinking Prosecution History Estoppel,” 71 University of Chicago Law Review 151 (2004).

“Indirect Liability in Copyright: Napster and Beyond,” (with William Landes), 17 Journal of Economic Perspectives 113 (2003). Expanded version published at 16 Harvard Journal of Law & Technology 395. Reprinted internationally in law journals in India, China, and elsewhere.

“Uncertainty and the Standard for Preliminary Relief,” 70 University of Chicago Law Review 197 (2003).

“Copyright as a Rule of Evidence,” 52 Duke Law Journal 683 (2003). Excerpt published in the University of Chicago Magazine (Winter 2003). Reprinted in full in the Intellectual Property Law Review (2004).

“Entry Policy in Local Telecommunications: Iowa Utilities and Verizon,” (with Randal Picker), Supreme Court Review 41 (2002).

“Strategic Disclosure in the Patent System,” (with Scott Baker & Kate Kraus), 53 Vanderbilt Law Review 2175 (2000).

“Property Rights in Emerging Platform Technologies,” 29 Journal of Legal Studies 615 (2000). Reprinted in The Internet Upheaval (MIT Press) and Foundations in Intellectual Property Law, (Foundation Press) (2004).

“Shared Information Goods,” (with Yannis Bakos and Erik Brynjolfsson) 42 Journal of Law and Economics 117 (1999). Featured research in Harvard Business Review, July/August 1999, pp. 23-25.

Other:

“The Future of Copyright,” a series of essays in conversation with Tom Bell, Rasmus Fleischer, and Tim Lee, published in CATO Unbound (June 2008).

“Viacom v. YouTube,” IP MAGAZINE (Summer 2007).

“The Case Against YouTube,” Los Angeles Times, A19 (March 20, 2007).

“Brief of Kenneth J. Arrow, Ian Ayres, Gary Becker, William M. Landes, Steven Levitt, Douglas Lichtman, Kevin Murphy, Randal Picker, Andrew Rosenfield, and Steven Shavell, as Amici Curiae in Support of Petitioners,” MGM Studios, Inc. v. Grokster Ltd., No. 04-480 (U.S. Sup. Ct., filed January 24, 2005).

“KaZaA and Punishment,” The Wall Street Journal (September 9, 2003).

“Anonymity a Double-Edged Sword for Pirates Online,” (with David Jacobson), Chicago Tribune (April 13, 2000).

### **Prior Relevant Testimony**

*GateHouse Media v. The New York Times Company (D. Mass 2009)*

filed an expert report on the question of whether the New York Times infringed copyright when it copied materials from various GateHouse websites

*D'Agay v. Paramount Pictures, Le Tribunal De Grande Instance De Paris (2008)*

filed an expert report on the question of whether a licensing contract included various specific rights in relation to a planned motion picture adaptation

*Express Logic, Inc. v. Green Hills, Inc. (American Arbitration Association 2007)*

offered deposition and trial testimony on the question of whether unauthorized copying of code from a computer program would qualify for protection under the fair use doctrine

*Editions du Seuil v. Google Inc., Tribunal de Grande Instance de Paris (2006).*

filed an expert report on the question of whether Google's unauthorized duplication and distribution of copyrighted materials was excused under the fair use doctrine

# **EXHIBIT D**

## CASE EXPERIENCE FOR KEVIN MANDIA

Kevin Mandia specializes in electronic evidence discovery matters as well as responding to computer security incidents and security breaches. He has formally studied computer science, as well as forensics science, to blend technical acumen with proper evidence collection, review, and interpretation. He has trained hundreds of federal law enforcement from the Federal Bureau of Investigation and the United States Secret Service on investigating high-technology crimes such as theft of intellectual property, computer intrusions, and interpreting complex computer log files. His understanding of computer technology, computer networking, how data is stored and manipulated in computer systems, has been applied to over 50 investigations. Kevin is also a well recognized speaker in the area of computer forensics, incident response, and electronic evidence discovery.

### Theft of Intellectual Property

Kevin has provided expert support for economic espionage investigations as well as theft of intellectual property cases. He has worked on cases that involved the comparison of registered, original computer programming source code with alleged stolen source code.

### Unlawful and Unauthorized Access (Computer Intrusions)

Kevin has worked on dozens of investigations into unlawful or unauthorized access into computer systems on behalf of the U.S. Government as well as the victim organizations, insurance companies, or legal counsel. He has been published in the area of responding to computer security breaches, and has been an expert in federal court on these matters.

Kevin has been hired to provide opinions on many matters, including but not limited to the following:

- Whether financial databases were tampered with or not
- Whether personally identifiable information (PII) or intellectual property (IP) was compromised in a data security breach
- What a computer was primarily used for
- Whether a user possessed or disseminated a document or documents
- If a specific file was ever printed
- Whether a user wiped a drive or a file
- If web-based email accounts were used (e.g. Hotmail)
- If intentional deletion of materials occurred
- Whether or not external media devices were used
- What files were copied to the USB or remote media
- Whether a system was compromised or not

## CRIMINAL CASE EXPERIENCE

### **UNITED STATES v. Bret McDanel, USDOJ, Southern District of California.**

Kevin submitted numerous expert reports and testified as to the methods the defendant used to breach the computer security of the victim. Kevin also testified to provide a primer for understanding "hacking" and computer intrusions.

### **UNITED STATES v. Chad Grant, USDOJ, Southern District of California.**

Kevin submitted numerous expert reports and testified as to the methods the defendant used to breach the computer security of the victim. Kevin also testified to provide a primer for understanding "hacking" and computer intrusions.

### **UNITED STATES v. Kai Xu and Hai Lin, USDOJ, District of New Jersey**

Kevin submitted numerous expert reports and was the hired expert on the Economic Espionage case. The work involved the creation of expert reports that compared source code from the victim, Lucent Technologies, with source code found on the defendants systems.

**UNITED STATES v. Walter A. Forbes and E. Kirk Shelton, USDOJ, District of New Jersey.**

Kevin submitted several expert reports and provided opinions concerning the distribution of electronic documents.

**UNITED STATES vs Alexey Ivanov, USDOJ, District of Connecticut.**

Assisted on the expert reports and participated in proffer sessions.

**UNITED STATES vs Vasily Gorchov, USDOJ, Western District of Washington.**

Assisted the lead expert on analysis of data .

**UNITED STATES v. Markus Lukawinsky, USDOJ, District of Connecticut.**

Participated in the initial intrusion response. Provided intrusion and forensic analysis.

**UNITED STATES v. Michael Roman Afremov, USDOJ, District of Minnesota.**

Participated as the computer forensics expert in reviewing financial databases to determine likelihood of tampering of the databases.

**CIVIL CASE EXPERIENCE**

**DPL INC, THE DAYTON POWER AND LIGHT COMPANY, AND MVE INC (PLAINTIFF)**

**V.**

**PETER H. FORSTER, CAROLINE E. MUHLENKAMP, AND STEPHEN F. KOZIAR, JR., STATE OF OHIO, CASE NO: 04-5657 (DEFENDANT)**

Involvement: Performed expert forensic analysis on behalf of the Plaintiffs, reviewing numerous drives to determine if electronic evidence was "wiped". Was deposed in December of 2006. Performed trial preparation. The case was settled in the midst of the trial in May 2007.

**Libananco Holdings Co. Limited v. Republic of Turkey**

**ICSID Case No. ARB/06/8**

Involvement: Kevin was hired to perform low-level analysis of floppy disks for evidence of timestamp manipulation.

**Matthew Elvey and Gadgetwiz.com, Inc.**

**(PLAINTIFF)**

**V.**

**TD Ameritrade, Inc.**

**(DEFENDANT)**

**Case Number: 3:2007cv02852**

**Filed: May 31, 2007**

**Court: California Northern District Court**

**Office: San Francisco Office [ Court Info ]**

**Presiding Judge: Magistrate Judge Bernard Zimmerman**

Involvement: Responded to a computer security data breach and provided technical and forensic support. Provided an opinion as to the likelihood that covered data was compromised by a computer breach.

**EATON CORPORATION, ET AL.**

**(PLAINTIFF)**

**V.**

**JEFFRY D. FRISBY, ET AL**

**(DEFENDANT)**

**CIVIL ACTION NO.: 251-04-642CIV**

Involvement: Working with Special Master to produce evidence of theft of intellectual property.

**QUEBECOR WORLD, INC., and QUEBECOR WORLD (USA), INC.,**

**(PLAINTIFF)**

**V.**

**R.R. DONNELLEY & SONS COMPANY, JAMES ("KIP") ALEXANDER, JOSEPH GENTILE, JOHN KINGSTON, ROBERT ROMPALA, and CHARLES SCHWERMAN,**

**(DEFENDANTS)**

Involvement: Performed full forensic analysis of more than 5 systems to determine whether prior employees conducted theft of intellectual property.

**MICHAEL A. MURRAY (PLAINTIFF)**

**V.****MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED AND ROBERT EWING IV, AND  
RANDY KIRBY  
(DEFENDANT)****NASD DISPUTE RESOLUTION CASE NUMBER: 03-02346, M.L. FILE NUMBER: 2003000428**

Involvement: Performed in-depth forensic analysis of the defendant's system to determine prior knowledge of specific stocks/financial expertise.

**LOCKHEED MARTIN CORPORATION,  
(PLAINTIFF)****V.****THE BOEING COMPANY, MCDONNELL DOUGLAS CORPORATION, BOEING LAUNCH SERVICES,  
INC., WILLIAM ERSKINE, KENNETH BRANCH, AND  
LARRY SATCHELL  
(DEFENDANTS)****CASE NO. 6:03 CV 796 ORL 28 KRS**

Involvement: Produced numerous electronic discovery requests, written opinions on collection requirements, and a declaration. Provided electronic evidence discovery services.

**ELOUISE PEPION COBELL, ET AL.  
PLAINTIFFS****V.****GALE A. NORTON, SECRETARY OF THE INTERIOR, ET AL.,  
DEFENDANTS****NO. CIV.A.96-1285 RCL.**

Involvement: Assisted Special Master John Bickerman on the case that took the Department of Interior Bureau of Indian Affairs of the Internet. This case involved our assessment of the DOI computer security practices and advised the Special Master on IT security issues.

**MEDTRONICS  
(PLAINTIFF)****V****MICHELSON  
(DEFENDANT)**

Involvement: Wrote numerous declarations concerning electronic evidence discovery and collection requirements. Advised special master on spoliation issues and likelihood of recovering deleted information.

# **EXHIBIT E**

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**PAUL K. MEYER**

**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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Over the last ten years, I have testified on the following matters related to damages, valuation issues, and accounting and financial studies.

Sehulster / Pre-Con v. Traylor Brothers / Obayashi, In the Superior Court of the State of California in and for the County of San Diego (Deposition, Trial), 2000

Flying J, Inc. v. Central California Kenworth, Inc., et al., In the United States District Court for the Central District of California (Deposition, Trial), 2000

Elston, et al. v. Tokheim Corporation and Management Solutions, Inc., American Arbitration Association, Denver, Colorado (Deposition), 2000

SPR Acquisition Corporation (Speedway Motor Sports) v. Nicora & Neary, Inc., In the Superior Court of the State of California in and for the County of Sonoma (Deposition), 2000

SanDisk Corporation v. Lexar Media, Inc., In the United States District Court for the Northern District of California (Deposition), 2000

Caliper Technologies v. Aclara BioSciences, Inc., et al., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition, Trial), 2000

EIE Guam Corporation v. Long Term Credit Bank of Japan, et al., In the United States District Court of the Territory of Guam (Deposition), 2000

Avid Identification Systems v. Schering-Plough Corporation, In the United States District Court for the Central District of California (Deposition), 2000

Oakland Raiders v. National Football League, In the Superior Court of the State of California in and for the County of Los Angeles (Deposition), 2001

Sony Computer Entertainment of America, Inc. v. Connectix Corporation, In the United States District Court for the Northern District of California (Deposition), 2001

Sturman Industries, Inc. v. Caterpillar Inc., In the United States District Court for the Central District of Illinois (Deposition), 2001

Safeway, Inc. v. Kronos, Inc., In the United States District Court for the District of Massachusetts (Deposition), 2001

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**NAVIGANT CONSULTING INC.**

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**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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**Donchez v. Coors Brewing Company and Foote, Cone & Belding Advertising, Inc.,** In the United States District Court for the District of Colorado (Deposition), 2001

**C&F Packing Co., Inc. v. IBP, Inc. and Pizza Hut, Inc.,** In the United States District Court for the Northern District of Illinois Eastern Division (Deposition), 2001

**James v. Kaiser Foundation Hospitals,** In the Superior Court of the State of California in and for the County of Alameda (Deposition), 2001

**EIE Guam Corporation v. Long Term Credit Bank of Japan, et al.,** In the United States District Court of the Territory of Guam (Deposition), 2001

**Ischemia Research Education Foundation, Inc. v. Arthur Andersen LLP,** In the Superior Court of the State of California in and for the County of San Francisco (Deposition, Trial), 2001

**ARM Limited v. picoTurbo, Inc.,** In the United States District Court for the Northern District of California in and for the Division of Oakland (Deposition), 2001

**Perry v. Marriott International, Inc.,** In the Superior Court of the State of California in and for the County of San Francisco (Deposition), 2001

**Atmel Corporation v. Silicon Storage Technology, Inc.,** In the United States District Court for the Northern District of California (Deposition), 2001, (Trial), 2002

**Pfeiffer v. Prentice Hall,** American Arbitration Association, San Diego, California (Arbitration), 2002

**HNC Software, Inc. v. i.e. Wild, Inc.,** In the Superior Court of the State of California in and for the County of San Diego (Deposition), 2002

**JRS Products, Inc. v. Panasonic Office Products Company, et al.,** In the Superior Court of the State of California in and for the County of Sacramento (Deposition, Trial), 2002

**Raytheon Company v. Certain Underwriters at Lloyd's of London, et al.,** In the Superior Court of the State of California in and for the County of San Francisco (Deposition), 2002

**Roche Diagnostics Corporation v. Bayer Corporation,** In the United States District Court for the Southern District of Indiana in and for the Division of Indianapolis (Deposition), 2002

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**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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Novartis Pharmaceuticals v. Abbott Laboratories, In the United States District Court for the District of Delaware (Deposition, Trial), 2002, 2001

Manji v. Loomis Sayles & Company, L.P., et al., In the Superior Court of the State of California in and for the City and County of San Francisco (Deposition, Trial), 2002

Nortel Networks Corporation v. Optical Networks, Inc., In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition), 2002

Thomson Multimedia, Inc. v. Agilent Technologies, Inc., American Arbitration Association (Deposition, Arbitration), 2002

Oak Technology, Incorporated v. United Microelectronics Corporation, In the United States District Court for the Northern District of California in and for the Division of San Jose (Deposition), 2002

Mediatek Inc. v. Oak Technology, Inc., In the United States District Court for the Northern District of California in and for the Division of San Jose (Deposition), 2002

Flood v. Bessemer Trust Company, North America, et al., In the Superior Court of the State of California in and for the City and County of San Francisco (Deposition), 2002

Hui, et al. v. C-Cube Microsystems, Inc., et al., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2002

Ciphergen BioSystems, Inc., et al. v. Molecular Analytical Systems, Inc., et al., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2003

BCE Emergis, Inc. v. Ariba, Inc., In the United States District Court for the Northern District of California in and for the Division of San Jose (Deposition), 2003

The Canopy Group, Inc. v. Computer Associates International, Inc., In the United States District Court for the District of Utah in and for the Central Division (Deposition), 2003

PowerQuest Corporation v. V Communications, Inc. and PowerQuest Corporation v. Quarterdeck Corporation, In the United States District Court for the District of Utah in and for the Central Division (Deposition), 2003

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**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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Oakland Raiders v. National Football League, et al., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2003

O'Neill Farming Enterprises, Inc. v. Mutual Service Casualty Insurance Company, et al., In the Superior Court of the State of California in and for the County of Fresno (Deposition), 2003

02 Micro International Limited v. Monolithic Power Systems, Inc., In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition), 2003

Modrovich v. Medical Analysis Systems, Inc. (MAS) and Fisher Scientific In the Superior Court of the State of California in and for the County of Ventura (Deposition), 2003

Phanco (Class Action) v. The Columbia House Company In the Superior Court of the State of California in and for the County of San Diego (Deposition), 2003

Does v. Reddy, In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition), 2004

Dataquill Limited v Handspring, Inc. In the United States District Court for the Northern District of Illinois (Deposition), 2004

Miller v. Bank of America, In the Superior Court of the State of California in and for County of San Francisco (Deposition, Trial), 2004

Medtronic Sofamore Danek, Inc. v. Gary K. Michelson, M.D. and Karlin Technology, Inc., In the United States District Court for the Western District of Tennessee, Western Division (Deposition), 2004

Acco Brands, Inc., d/b/a/ Kensington Technology Group v. ABA Locks Manufacturer Co., Ltd., and Belkin Components, In the United States District Court for the Eastern District of Texas, Marshall Division (Deposition, Trial), 2004

Compuware Corporation v. International Business Machines Corporation (IBM), In the Eastern District of Michigan, Southern Division (Deposition), 2004

Intel Corporation v. Intell Management & Investment Co., In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition), 2004

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**Pixion, Inc. v. Placeware, Inc. (Microsoft)**, In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition, Trial), 2005

**Samsung Electronics Co. v Inventec Corporation, et al.**, In the United States District Court for the Southern District of Texas, Houston Division (Deposition), 2005

**Storage Technologies Corporations v. Cisco Systems Inc.**, In the United States District Court for the Northern District of California in and for the Division of San Francisco (Deposition), 2002 (Trial), 2005

**Auerbach Acquisition Associates, Inc. v. Greg Daily, etc.**, In the Superior Court of the State of California in and for County of Los Angeles (Deposition), 2005

**02 Micro International Limited v. Monolithic Power Systems, Inc.**, In the United States District Court for the Northern District of California, Oakland Division (Deposition, Trial), 2005

**Waltrip, et al. v. Kimberlin, et al.**, In the Superior Court of the State of California in and for County of San Francisco (Deposition, Trial), 2005

**SEC v. Gary D. Kennedy**, In the United States District Court for the District of Utah , Central Division (Deposition), 2005

**Acco Brands, Inc., d/b/a/ Kensington Technology Group v. ABA Locks Manufacturer Co., Ltd., and Belkin Components**, In the United States District Court for the Eastern District of Texas, Marshall Division (Deposition, Trial), 2005

**Samsung Electronics, Inc. v. Quanta Computer, Inc.**, In the United States District Court for the Northern District of California, San Francisco Division (Deposition), 2006

**Samsung Electronics, Inc. v. Compal Electronics, Inc.**, In the United States District Court for the Northern District of California, San Francisco Division (Deposition, Trial), 2006

**In The Matter Of: Certain Baseband Processor Chips and Chipsets, Transmitter And Receiver (Radio) Chips, Power Control Chips And Products Containing Same, Including Cellular Telephone Handsets (Kyocera Wireless Corporation)**, United States International Trade Commission Investigation Number 337-TA-543, Washington D.C., (Deposition, Trial), 2006

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**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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**In The Matter Of: Certain High-Brightness Light Emitting Diodes and Products Containing Same (Lumileds Lighting U.S., L.L.C.)**, United States International Trade Commission Investigation Number 337-TA-556, Washington D.C., (Deposition), 2006

**CGI-AMS Inc. v. Fireman’s Fund Insurance Company**, American Arbitration Association (Deposition), 2006

**New World TMT Ltd. v. Prediwave Corporation, et al.**, In the Superior Court of the State of California in and for County of Santa Clara (Deposition), 2006

**LG.Philips LCD CO., LTD. v. Tatung Co. Of America, Tatung Company And Chunghwa Picture Tubes, LTD.**, In the United States District Court for the Central District of California, Western Division Los Angeles (Deposition, Trial), 2006

**Sputtered Films, Inc. v. Sergey Mishin, Agilent Technologies, Inc., Avago Technologies, Inc., et al.**, In the Superior Court of the State of California in and for the County of Santa Barbara, Anacapa Division (Deposition), 2006

**Mylan v. Procter & Gamble Pharmaceuticals**; In the Superior Court of the State of California in and for County of San Francisco (Deposition), 2006

**Lexmark International v. Static Control Components, Inc.**, In the United States District Court for the Eastern District of Kentucky, Lexington Division (Deposition), 2006

**Informatica Corporation v. Business Objects Data Integration, Inc.**, In The United States District Court for the Northern District of California, San Francisco Division (Deposition), 2006; (Trial), 2007

**The Boeing Company v. The United States**, In The United States Court of Federal Claims, Washington D.C. (Deposition, Trial), 2007

**Boston Scientific Corporation, et al. v. Johnson & Johnson And Cordis Corporation**, In The United States District Court for the Northern District of California, San Francisco Division (Deposition, Trial), 2007

**Tinkers & Chance v. LeapFrog Enterprises, Inc.** In The United States District Court for the Northern District of California, San Francisco Division (Deposition), 2007

**Funai Electric Company, Ltd. v. Daewoo Electronics Corporation, et al.**, In The United States District Court for the Northern District of California, San Francisco Division (Deposition, Trial), 2007, 2008

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## TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)

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First National Mortgage Company v. Federal Realty Investment Trust, In The United States District Court for the Northern District of California, San Jose Division (Deposition, Trial), 2008

Unilever U.K. Central Resources Ltd., et al. v. Concat L.P., et al., In The London Court Of International Arbitration, London, U.K. (Arbitration), 2008

Bally's Gaming Inc. v. International Game Technology ("IGT"), In the United States District Court, District of Nevada (Deposition), 2008

Carter Bryant v. Mattel, Inc., and Consolidated Actions, In the United States District Court for the Central District of California, Eastern Division – Riverside, CA, (Deposition, Trial), 2008

Auerbach Acquisition Associates, Inc. v. Greg Daily, etc., In the Superior Court of the State of California in and for the County of Los Angeles (Deposition), 2008; (Trial), 2009

Biogen Idec Inc. v. Genentech, Inc., American Arbitration Association, Commercial Arbitration Division, San Francisco, CA (Deposition, Arbitration), 2008

Emptoris, Inc. v. Ariba, Inc., In the United States District Court for the Eastern District of Texas, Lufkin Division, (Deposition, Trial), 2008

Wistron Corporation v. Samsung Electronics Co., Ltd., In the United States District Court for the Northern District of California, San Francisco Division (Deposition), 2008

Fair Isaac Corporation; and myFICO Consumer Services, Inc. v. Equifax, Inc.; Equifax Information Services LLC; Experian Information Solutions, Inc., et al., In the United States District Court, District of Minnesota (Deposition), 2008

Mosaic Systems, Inc. v. Cisco Systems, Inc., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2009

Centillion Data Systems, LLC v. Qwest Corporation, et al., In the United States District Court for the Southern District of Indiana, Indianapolis Division (Deposition), 2009

Rembrandt Data Technologies, LP v. DirecTV Group Inc., et al., In the United States District Court for the Eastern District of Virginia, Alexandria Division (Deposition), 2009

Linear Technology Corp. v. Applied Materials, Inc., In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2009

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**NAVIGANT CONSULTING INC.**

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**TESTIMONY IN LAST TEN YEARS (2000 – PRESENT)**

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STMicroelectronics, Inc. v. Eliyahou Harari, SanDisk Corporation, et al. In the Superior Court of the State of California in and for the County of Santa Clara (Deposition), 2009

# **EXHIBIT F**

**Paul Pinto**  
**Sylvan V.I., Inc.**  
**13525 Blakmaral Lane**  
**Alpharetta, GA 30004**

Testimony/Publications Report for Oracle v. SAP, 07-cv-1658

Publications: None

Testimony: *Dibon Solutions, Inc. v Chugach Alaska Corporation*, No. 3 AN-08-10957 CI  
Superior Court for the State of Alaska (2008)

Provided expert witness report re assessment of the reasons for project failure along with an analysis of delivered source code.

# **EXHIBIT G**

## Publications by Francoise Tourniaire

### Books

*Support Marketing*, a structured approach to create, market, sell, and renew support offerings with multiple case studies. To be published by the Association of Support Professionals, 2009.

*Collective Wisdom: Transforming Support through Knowledge*, the reference for creating, maintaining, and leveraging effective knowledge bases in support environments. HDI, 2006.

*Just Enough CRM*, a practical handbook to selecting and implementing customer relationship management systems. Prentice Hall, 2003.

*The Art of Software Support: Design and Operations of Support Centers and Help Desks*, a complete guide to designing and running support centers. Prentice Hall, 1996.

### Book Contribution

*A Guide to Help Desk Technology, Tools and Techniques* by Dione McBride. Thompson Learning, 2000. Knowledge Management, p. 145.

### Booklets

*Successful Support rollouts*, published by FT Works, 2009.

*Budget Magic: Staffing Models and Budgeting for Support*, published by FT Works, 2008.

*A Big, Happy, Multicultural Family? Managing the global operation*, published by FT Works, 2006.

*Starting from Scratch*, published by FT Works, 2005.

*Escalation Management*, published by the Service and Support Professionals Association (SSPA), 2004.

*Training Programs that Work*, published by FT Works, 2004.

*Don't Play 'Go Get a Rock' A Complete Guide to Flawless Technical Support Skills*, published by FT Works, 2003.

*Managing Support Strategically*, published by FT Works, 2003.

*Web Support Services – The Basics and Beyond*, published by the Service and Support Professionals Association (SSPA), 2003.

*Best Practices for Quality Monitoring*, published by FT Works, 2003.

*Successful Support Outsourcing*, published by FT Works, 2003.

*Managing Escalations*, published by FT Works, 2002.

*Best Practices in Support Metrics*, published by FT Works, 2002.

*Best Practices in Self-Service Support*, published by FT Works, 2002.

*20+ Ways to Cut Support Costs*, published by FT Works, 2002.

*The 10 Commandments of Support Pricing*, published by FT Works, 2001.

*The Complete Guide to Hiring Great Support Reps*, published by FT Works, 2001.

*Electronic Software Distribution Management – An idea whose time has come*, published by the Service and Support Professionals Association (SSPA) in the “Common Sense Support” booklet series, 2001.

*The Complete Guide to Hiring Great Support Managers*, published by FT Works, 2001.

*Get a Better Tool without Losing your Sanity or your Time*, published by the Service and Support Professionals Association (SSPA) in the “Common Sense Support” booklet series, 2001.

*Starting from Nothing*, a guide to creating new support centers, published by the Service and Support Professionals Association (SSPA) in the “Common Sense Support” booklet series, 2001.

*Knowledge, the Ultimate Frontier for Support Centers*, published by the Service and Support Professionals Association (SSPA) in the “Common Sense Support” booklet series, 2000.

## Articles

*Partner Love? Working Successfully with Support Partners*. SSPA News 7/09  
<http://www.thesspa.com/sspanews/July09/article3.asp?mtcCampaign=-1&mtcEmail=12105033>

*Preventing Agent Burnout: A Manager's Handbook*. ICMI Call Center Insider 4/09  
<http://www.icmi.com/knowledgecenter/details.aspx?id=952>

*Cutting Costs – Without Cutting Customer Satisfaction*. Customer Management Insight 1/09  
[http://www.nxtbook.com/nxtbooks/cmp/cmi\\_200901/#/10](http://www.nxtbook.com/nxtbooks/cmp/cmi_200901/#/10)

*Key Tips for Support Pricing*. SSPA News 10/08  
<http://www.thesspa.com/sspanews/October08/article7.asp>

*Outsourcing – A Reasoned Approach*. Customer Management Insight 8/08  
[http://cmisight.com/index.php?option=com\\_content&task=view&id=719&Itemid=38](http://cmisight.com/index.php?option=com_content&task=view&id=719&Itemid=38)

*Disaster Planning: Preparation can be a Preventive*. Customer Management Insight 6/08  
[http://www.nxtbook.com/nxtbooks/cmp/cmi\\_200806/](http://www.nxtbook.com/nxtbooks/cmp/cmi_200806/)

*The Seven Skills of Highly Effective Support Staffers.* SSPA News 5/08  
<http://www.thesspa.com/sspanews/May08/article4.asp>

*Preventing Agent Burnout: A Manager's Handbook.* Customer Management Insight 5/08  
[http://www.nxtbook.com/nxtbooks/cmp/cmi\\_200805/index.php?startpage=1#/14](http://www.nxtbook.com/nxtbooks/cmp/cmi_200805/index.php?startpage=1#/14)

*Doing it Right – From Process Design to Implementation.* Sbusiness Spring 2008.

*The Motivation Game.* SSPA News 1/08  
<http://www.thesspa.com/sspanews/January08/article2.asp>

*Creating a Unified Framework for Multiple Sites.* Co-authored with Ravi Ravishankhar of Cisco. Customer Management Insight 1/08.  
[http://www.nxtbook.com/nxtbooks/cmp/cmi\\_200801/](http://www.nxtbook.com/nxtbooks/cmp/cmi_200801/)

*Expanding Globally: A Roadmap for Support.* SSPA News 11/07  
<http://www.thesspa.com/sspanews/November07/article4.asp>

*A Unified Framework: How to make 50+ Contact Centers Function as One.* SSPA News 9/07  
<http://www.thesspa.com/sspanews/September07/article2.asp>

*Leveraging Support Data to Drive Product Improvements.* SSPA News 7/07  
<http://www.thesspa.com/sspanews/July07/article4.asp>

*Paying for Knowledge Management:* SSPA News 4/07  
[http://www.thesspa.com/sspanews/\\_07April/article3.asp](http://www.thesspa.com/sspanews/_07April/article3.asp)

*Capturing Tacit Knowledge: Jumpstarting Your Knowledge Base with Existing Content*  
Inquire Newsletter March-April 2007 (with David Kay)

*Creating an Honest ROI Analysis.* SSPA News 12/06  
[http://www.thesspa.com/sspanews/\\_06Dec/article4.asp](http://www.thesspa.com/sspanews/_06Dec/article4.asp)

*Knowledge Management for Savvy Support Managers.* Sbusiness Fall 2006

*From the Roman Marketplace to the Web—Managing Useful Customer Forums.* SSPA News 9/06  
[http://www.thesspa.com/sspanews/\\_06sept/article3.asp](http://www.thesspa.com/sspanews/_06sept/article3.asp)

*Maintaining a Cohesive Team across Borders.* SSPA News 7/06  
[http://www.thesspa.com/sspanews/\\_06July/article6.asp](http://www.thesspa.com/sspanews/_06July/article6.asp)

*Jumpstarting your Knowledge Base with Existing Content.* Knova Resolution Newsletter 6/06  
[http://www.knova.com/resolution/2006-06/expert\\_opinion.html](http://www.knova.com/resolution/2006-06/expert_opinion.html)

*The 10 Commandments of Knowledge Management.* SSPA News 4/06  
[http://www.thesspa.com/sspanews/\\_06april/article2.asp](http://www.thesspa.com/sspanews/_06april/article2.asp)

*Staffing for Knowledge Management.* SSPA News 2/06  
[http://www.thesspa.com/sspanews/\\_06february/article4.asp](http://www.thesspa.com/sspanews/_06february/article4.asp)

*The Six Big Trends for 2006.* SSPA News 1/06  
<http://www.thesspa.com/sspanews/january06/article5.asp>

*Delivering Support through Partners – Successfully.* SSPA News 12/05  
<http://www.thesspa.com/sspanews/december05/article3.asp>

*Knowledge Management Models.* SSPA News 11/05  
<http://www.thesspa.com/sspanews/November05/article2.asp>. Designated as the #2 most popular SSPA News article for 2005.

*Practical Ideas on Conquering the Knowledge Maintenance Monster.* SSPA News 9/05  
<http://www.thesspa.com/sspanews/September05/article4.asp>

*Selecting and Implementing CRM Systems.* Sbusiness July-August 2005

*Brooks Software – A Support Renewals Success Story.* SSPA News 8/05  
<http://www.thesspa.com/sspanews/August05/article2.asp>

*Workforce Management for High-Complexity Support.* SSPA News 7/05  
<http://www.thesspa.com/sspanews/July05/article4.asp>

*Knowledge Management Metrics.* SSPA News 6/05  
<http://www.thesspa.com/sspanews/June05/article1.asp>

*Support Offerings that Sell.* SSPA News 5/05  
<http://www.thesspa.com/sspanews/May05/article1.asp>

*Knowledge Management Best Practices.* SSPA News 4/05  
<http://www.thesspa.com/sspanews/April05/article3.asp>

*Running Support as a Business – Making it Work in the Trenches.* SSPA News 3/05  
<http://www.thesspa.com/sspanews/March05/article2.asp>

*Running Support as a Business – or How to make your CFO Love you.* SSPA News 1/11/05  
<http://www.thesspa.com/sspanews/011105/article4.asp>. Designated as the #7 most popular SSPA News article for 2005.

*Time Management for Support Staffers: 8 Steps to Bring Order to a Chaotic World.* SSPA News 12/22/04  
<http://www.thesspa.com/sspanews/122104/article1.asp>

*How many heads do I need? The Art and Science of Forecasting Support – Part 2.* SSPA News 11/30/04  
<http://www.thesspa.com/sspanews/113004/article1.asp>

*How Busy are you Going to be? The Science and Art of Support Forecasting.* SSPA News 11/16/04  
<http://www.thesspa.com/sspanews/111604/article1.asp>

*Outsourcing: The View from Inside.* SSPA News 10/26/04  
<http://www.thesspa.com/sspanews/102604/article1.asp>

*Managing the Outsourcer: Best practices for an emerging field.* SSPA News 9/28/04  
<http://www.thesspa.com/sspanews/092804/consultants.asp>

*Classroom or Self-Paced Training: choosing the right delivery mechanism for training support reps.* Sbusiness Journal, July-August 2004.

*Metrics, metrics everywhere! Sorting out good, bad, and useless.* SSPA News 8/17/04  
<http://www.thesspa.com/sspanews/081704/consultants.asp>

*Measuring the ROI of Online Support: It's hard but rewarding.* SSPA News 8/3/04  
<http://www.thesspa.com/sspanews/080304/consultants.asp>

*Smart Locations Pay in Offshore Outsourcing.* SSPA News 6/22/04  
<http://www.thesspa.com/sspanews/062204/article2.asp>

*What's support all about, anyway? How to clue in non-support executives to the realities of your world.* SSPA News 6/8/04  
<http://www.thesspa.com/sspanews/060804/consultants.asp>

*Planning and Operating International Support Operations: Is there such a thing as a big, happy family?* Sbusiness, March-April 2004. Republished in the special Winter 2006 edition.

*Managing an Outsourcer: 6 Steps to Success.* SSPA news 4/20/04  
<http://www.thesspa.com/sspanews/042004/article1.asp>

*Making Train-The-Trainer Programs work.* SSPA news 3/16/04  
<http://www.thesspa.com/sspanews/031604/article1.asp>

*What do I need to do to make outsourcing work?* SSPA news 2/24/04  
<http://www.thesspa.com/sspanews/022404/article1.asp>

*Can Self-Paced Training Work?* SSPA news 1/27/04  
<http://www.thesspa.com/sspanews/012704/article1.asp>

*The Efficient Interviewer – A Primer.* SSPA news 12/16/03  
<http://www.thesspa.com/sspanews/121603/article1.asp>

*What's an escalation manager and where do I find one?* SSPA news 10/28/03  
<http://www.thesspa.com/sspanews/102803/article1.asp>

*Stressed out – A way of Life in Support Centers?* Sbusiness Journal, September-October 2003

*Blameless apologies and other powerful support techniques.* SSPA news 9/16/03  
<http://www.thesspa.com/sspanews/091603/article1.asp>

*6 Golden Rules for thinking Strategically about Support.* SSPA news 8/19/03  
<http://www.thesspa.com/sspanews/081903/article2.asp>

*Hiring Stars.* SSPA news 7/22/03 <http://www.thesspa.com/sspanews/072203/article1.asp>

*Is your customer survey working?* SSPA news 6/24/03  
<http://www.thesspa.com/sspanews/062403/article1.asp>

*Auditing CRM tools.* The Association of Support Professionals Online 6/03  
[http://www.asponline.com/audit\\_tools.html](http://www.asponline.com/audit_tools.html)

*Knowledge Base Maintenance: Can Outsourcing help?* SSPA news 6/3/03  
<http://www.thesspa.com/sspanews/060303/article1.asp>

*Staffing for Web Support.* SSPAnews 5/6/03  
<http://www.thesspa.com/sspanews/050603/article3.asp>

*Coaching for Quality: A Lost Art?* SSPAnews 4/8/03  
<http://www.thesspa.com/sspanews/040803/article1.asp>

*Does Stress Management Work?* SSPAnews 3/14/03  
<http://www.thesspa.com/sspanews/030403/article2.asp>

*Should you upgrade your support tools?* SSPAnews 2/11/03  
<http://www.thesspa.com/sspanews/021103/article1.asp>

*7 Truths about Outsourcing.* SSPAnews 1/14/023  
<http://www.thesspa.com/sspanews/011403/article1.asp>

*Beyond a Well-modulated Voice: Call Monitoring for Grown-up Support Centers.*  
SupportWeek 12/3/02 <http://www.thesspa.com/sspanews/120302/article1.asp>; reprinted  
on 10/14/03 at <http://www.thesspa.com/sspanews/101403/article2.asp>

*Taming the Escalation Monster.* SupportWeek 11/5/02  
<http://www.thesspa.com/sspanews/110502/article1.asp>

*Delivering Bad News.* SupportWeek 10/8/02  
<http://www.thesspa.com/sspanews/100802/article3.asp>

*Overseas Outsourcing: What's Different?* SupportWeek 9/4/02  
<http://www.supportgate.com/supportweek/20020904/article1.asp>

*Does Soft Skills Training Work?* SupportWeek 8/13/02  
<http://www.supportgate.com/supportweek/20020813/article2.asp>

*10 Steps to Better Metrics.* SupportWeek 7/9/02  
<http://www.supportgate.com/supportweek/20020730/article1.asp>

*Making Coaching Stick.* SupportWeek 7/9/02  
<http://www.supportgate.com/supportweek/20020709/article1.asp>

*Making \$\$ From Support* SupportWeek 6/4/02  
<http://www.supportgate.com/supportweek/20020604/article1.asp>; reprinted on 12/17/02  
<http://www.thesspa.com/sspanews/121702/article2.asp>

*Search Engines don't Work.* SupportWeek 4/30/02  
<http://www.supportgate.com/supportweek/20020430/article2.asp>

*10 Predictions for 2010.* SupportWeek 4/9/02  
<http://www.supportgate.com/supportweek/20020409/article1.asp>

*A New Frontier in Support Metrics.* SupportWeek 3/5/02  
<http://www.supportgate.com/supportweek/20020305/article3.html>

*Cutting Support Costs: not always Painful?* SupportWeek 2/12/02  
<http://supportgate.com/supportweek/20020212/article1.html>

*The Support Manager's Test.* SupportWeek 12/11/01  
<http://www.supportgate.com/supportweek/20011211/article2.html> (Translated to Spanish  
"Test Para Managers de Soporte" <http://www.foro-helpdesk.com/Expertos/Test.htm> )

*Can anyone a trainer be?* SupportWeek 11/13/01  
<http://supportgate.com/supportweek/20011113/article1.html>

*O no, I hired a wimp!* SupportWeek 10/10/01  
<http://supportgate.com/supportweek/20011010/article1.html>

*Oops, I hired a whiner!* SupportWeek 9/5/01  
<http://supportgate.com/supportweek/20010905/article1.html>

*The New ESD: FTP grows up.* Support Week 7/10/01  
<http://www.supportgate.com/supportweek/20010710/article2.html>

*Does soft skills training work?* SupportWeek 6/5/01  
<http://www.supportgate.com/supportweek/20010605/article1.html>

*The Customer Service Loop.* SupportWeek 3/13/01  
<http://www.supportgate.com/pub/supportweek/articles/20010313/article.html>

*Get your Money's worth from your Consultant.* Help Desk Online, 6/13/00  
(<http://www.helpdesk-online.com/oldsite/june13-00/article1.asp>)

*Get a Better Support Tool without Losing your Sanity.* Help Desk Online, 2/15/00  
(<http://www.helpdesk-online.com/oldsite/feb15-00/article1.asp>)

*Starting from Nothing.* Help Desk Online, 11/23/99 (<http://www.helpdesk-online.com/oldsite/nov23/article2.asp>)

*Building Knowledge - How much does it cost?* Help Desk Online, 9/14/99  
(<http://www.helpdesk-online.com/oldsite/sept14/article2.asp>)

*Win with Web-Based Support.* Help Desk Online, 8/10/99 (<http://www.helpdesk-online.com/oldsite/aug10/article1.asp>)

*Support as a Proactive Weapon.* Help Desk Online, 5/25/99 (<http://www.helpdesk-online.com/oldsite/may25/article1.asp>)

*How does your help desk stack up? A quick Help Desk Quiz.* LifeRaft Magazine, November-December 1997

## **Other Magazine Contributions**

Softletter 10/31/2003: panelist for *What's your service management goal?*

Customer Support Management, August 2001: panelist on Web Site Evaluation (stamps.com)

Customer Support Management, April 2001: panelist on Web Site Evaluation (delta.com)

Customer Support Management, January 2001: panelist on Web Site Evaluation (TimeTracking.com)

Customer Support Management, November 2000: panelist on Web Site Evaluation (Motorola)

Customer Support Management, October 2000: panelist on Web Site Evaluation (Zebra)

Customer Support Management, July 2000: panelist on Web Site Evaluation (Sony)

Customer Support Management, March 2000: panelist on Web Site Evaluation (E\*Trade)

Customer Support Management, January 2000: panelist on Web Site Evaluation (Unisys)

Customer Support Management, September 1999: panelist on Web Site Evaluation (National Instruments Corp.)

Customer Support Management, August 1999: contributor to the Q&A Workshop on Call Center: What are the most important factors in creating inbound/outbound call center scripts?

Customer Support Management, August 1999: contributor to the Q&A Workshop on Staffing: What are the best questions to ask when interviewing CSR or TSR candidates?

Customer Support Management, March 1999: panelist on Web Site Evaluation (Adobe)

Customer Support Management, January 1999: contributor to the Q&A Workshop on Help Desk: Who provides the best support: analysts with general knowledge of all products or those who are expert in specific areas?

Support Management, January 1998: contributor to the Q&A Workshop on Staffing: How do we compensate salaried analysts who are on call with a beeper during non-business hours?

## **Conference Presentations**

*Easy Money: Support Communities and ROI.* Presented at the SSPA Conference, Santa Clara, CA, May 2009.

*Easy Money? Computing your Community ROI.* Presented at the Lithium User Conference, San Francisco, CA, May 2009.

*A KCS Voyage: Achieving KCS with Limited Resources.* Presented at the SSPA Conference, Santa Clara, CA, May 2008.

*Money and the Web: Making more and spending less through online support.* Presented at the SSPA Conference, San Diego, CA, May 2007.

*Paying for KM: Building Honest ROIs that stand the Test of Time.* Presented at the SSPA Conference, San Diego, CA, May 2007.

*10 Mistakes Others Have Made (so you don't have to)* presented at the Knova Users' Conference, San Francisco, CA, August 2006.

*The 10 Commandments of Knowledge Management* presented at the SSPA Conference, San Diego, CA, March 2006.

*The Knowledge Manifesto: Practical Knowledge Management for Support Organizations* presented at the SSPA Conference, San Diego, CA, March 2006.

*From Support Models to support People – Making the Right Strategic Decisions for your Organization* presented at the SSPA Conference, San Diego, CA, March 2005.

*Select and Implement the Right Knowledge Management Tool* presented at the SSPA Conference, San Diego, CA, March 2005.

*A Tailored Fit: Finding the Self-Service Experience that Works* presented at the SSPA Conference, San Diego, CA, April 2004. Audio available online at <http://www.thesspa.com/sspanews/110904/presentation2.asp>

*Web Support Strategy and Implementation* presented at the SSPA Conference, San Diego, CA, April 2003.

*How to Keep your Staff Forever* presented at the Support Services Conference, San Francisco, CA, September 1998.

*My Customer's Screaming, What do I Do?* Presented at the Support Services Conference, Washington, DC, April 1998 (adapted from a presentation at the Software Support Starts conference, San Jose, CA, May 1997).

*Using E-Mail for Customer Satisfaction Surveys* presented at the Support Services Conference, San Jose, CA, August 1997.

*Creating and Justifying a Support Center Budget* presented at the Support Services Conference, Nashville, TN, April 1997.