

<b>POSITION</b>	Principal, DisputeSoft LLC, Potomac, MD
<b>EDUCATION</b>	B.A., Cornell University, 1969 J.D., <i>cum laude</i> , University of West Los Angeles (UWLA) School of Law, 1977
<b>CURRENT RESPONSIBILITY</b>	<p>Mr. Parmet retired from PricewaterhouseCoopers in 2003 after 22 years with the firm where from 1996 until his retirement, he had responsibility for leading the firm's system failure and software IP practices—consulting and expert testimony related to computer software and services disputes and intellectual property infringement claims. Mr. Parmet also led PwC's electronic discovery and computer forensics practice in Washington, DC. Until 1996, he was responsible for PwC's system's integration business where he both negotiated software license and services agreements and led the implementation of complex systems projects. Mr. Parmet also was a leader in the development of PwC's business process outsourcing business. Upon his retirement from PwC in 2003, Mr. Parmet founded Jeff Parmet and Associates LLC (now DisputeSoft LLC). DisputeSoft specializes in software failure disputes, software IP infringement claims, outsourcing project disputes, electronic discovery and computer forensics.</p>
<b>OVERVIEW OF EXPERIENCE</b>	<p>Mr. Parmet has 40 years' experience in information technology with emphasis on software development, testing and operations, project management, systems integration, and intellectual property. His experience includes the full lifecycle of software development from business requirements definition to functional and technical specifications to system design, development, testing, deployment and licensing.</p> <p>He has worked as a project manager on software development projects both large and small using a variety of software engineering, project management and costing methodologies. He has led implementations and evaluations of many types of software applications such as ERP, HR, accounting, financial management, insurance claims processing and CRM. He has worked extensively with leading HR and ERP software products such as SAP and Oracle, as well as with large custom systems.</p> <p>His industry experience includes retail, financial services, insurance, manufacturing, government, utilities, emergency response and automotive, among others. He has negotiated numerous software license, software services, and software maintenance agreements, and has</p>

**OVERVIEW OF  
EXPERIENCE  
(CONTINUED)**

evaluated service levels in outsourcing contracts.

Since 1996, he has served as consultant and/or been designated testifying expert on cases involving computer system implementation and service failures. He has also served as an expert on leading trade secret, copyright and patent infringement disputes. He also has extensive experience in e-commerce and serves as a technical adviser to two e-commerce start-up companies.

**PROFESSIONAL  
AFFILIATIONS**

State Bar of California  
American Bar Association  
- Litigation Section  
- Computer and Internet Litigation Committee  
Association for Computing Machinery (ACM)  
Project Management Institute (PMI)  
IEEE

**PROFESSIONAL  
AND  
EMPLOYMENT  
HISTORY**

DisputeSoft LLC (Formerly Jeff Parmet and Associates LLC); July 1, 2003 to present; sole member.

PricewaterhouseCoopers LLP (Formerly, Price Waterhouse LLP); Partner, 1988 to 2003; Senior Manager, 1984 to 1988; Manager, 1982 to 1984. Member of Management Consulting Services (MCS) division until 1996. Thereafter, member of Dispute Analysis and Investigations practice (DA&I).

Informatics: Sr. Systems Consultant, 1980 to 1982. Provided litigation support software and litigation consulting services in complex litigation.

Litton Industries: Sr. Systems Consultant, 1977-80. Developed one of first litigation support services for use by litigators in then-emerging field of litigation support.

California Federal: Systems Engineer, 1975-1976. Implemented first point-of-sale system (POS) for retail use.

United California Bank: Systems Engineer, 1973-1975. Designed and implemented first on-line terminal systems for banks.

Metropolitan Life: Programmer, 1970-1973. Developed a variety of software applications for business units.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT**

*InDyne, Inc. v. Abacus Technology Corp.*: Designated testifying expert in this software copyright infringement case involving a government contract to deliver communications and information technology services at NASA's Kennedy Space Center (KSC). The outgoing vendor (InDyne) alleged that the incoming vendor (Abacus) misappropriated InDyne's software. Work involved assessing validity of InDyne's copyright registration. The Court dismissed InDyne's claim on summary judgment, finding that InDyne's software changed over time as it developed new features, but InDyne never registered the original version with the U.S. Copyright Office and failed to maintain a copy of the original version. The second version was used on the NASA contract and was registered, but the previous version should be excluded from copyright protection. Since InDyne failed to maintain a copy of the original version, it was incapable of meeting its burden of proving which portions of its code were protectable and which were not. Wrote expert report. Case dismissed on summary judgment.

*BearingPoint v. United States (Department of Interior)*: The Department of Justice represented the Department of Interior (DOI) in this software failure matter wherein DOI contracted to outsource and undertake replacement of a myriad of legacy Finance and Accounting systems with leading Enterprise Resource Planning systems SAP. Performed schedule delay analysis to establish that agency's termination for cause was inappropriate due to excusable delays caused by the agency. Performed percent complete analysis and earned value management (EVM) analysis to determine damages owed Plaintiff under proper termination for convenience. Assessed software development lifecycle methodology followed by the vendor for conformance to industry best practices. Wrote expert and rebuttal reports. Case settled.

*ACS v. Micro Focus*: A large data center outsourcer subcontracted a migration project to Micro Focus, which failed. Performed root cause analysis, which included evaluation of the migration plan, processes and procedures for transferring source code from the mainframe to Windows, and review of source code developed for the new system. Case settled.

*Apple v. HTC*: In smartphone patent infringement litigation before the International Trade Commission, managed source code review for mobile and desktop operating systems. Supported invalidity, non-infringement and lack of domestic industry contentions through research, code review and claim charts.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

*ConnectU (Winklevoss Twins) v. Facebook and Mark Zuckerberg:*

In a software trade secret misappropriation case brought by the founders of a social-networking site against a former employee alleged to have misappropriated ideas used in developing Facebook, forensically analyzed source code for trade secret misappropriation. Performed industry-standard software analyses to determine if the software could have been developed in the timeframe asserted by defendant without the benefit of plaintiff's intellectual property. Performed prior art analysis of other social networks. Case settled prior to report issuance.

*Waste Management v. SAP:* In a software failure matter brought by a large Waste and Recycling company against a leading Enterprise Resource Planning (ERP) software vendor, provided expert opinions in support of plaintiff's allegations of fraud, misrepresentation, and breach of contract by the defendant. Plaintiff alleged the vendor knowingly and willfully misrepresented that it had an "out-of-the-box" solution but instead delivered incomplete and untested software resulting in a failed implementation. Analyzed documents, testimony, and industry standards to establish defendant's violations of business ethics and industry standards for Project Management and Software Engineering. Wrote expert report. Case settled.

*Frontline Placement Technologies, Inc. v. CRS, Inc.:* In a patent infringement suit alleging infringement of plaintiff's substitute teacher fulfillment system, I was designated as testifying expert for both invalidity and non-infringement. Prepared and issued both invalidity and non-infringement reports. Testified at deposition. Trial date pending.

*Lycos v. Blockbuster and Netflix:* In a patent infringement suit alleging infringement of defendants' web-based content and collaborative filtering functionality, supported plaintiff's testifying expert by preparing line-by-line analysis of code modules demonstrating similarities of algorithms between patent claims and defendants' software.

*Sony ATV Music Publishing v. Cavs USA and Ace Karaoke:* In a copyright infringement action brought by a music publisher alleging claims of sales of unlicensed copyrighted works on e-commerce websites, recovered evidence of unauthorized sales of downloadable works over a period of three years. Researched various sources, including the Internet Archive, in support of license holder claims. Issued expert report. Case settled.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

*Mecklenburg County, North Carolina v. Nortel:* In a software failure action brought by a county government against a large government contractor and developer of criminal justice and law enforcement software, rebutted plaintiff's expert report alleging software defects and violations of software engineering standards. Wrote rebuttal report. Case settled.

*Marketing Technology Solutions v. MediZine:* In this software copyright infringement case for misappropriation of plaintiff's sales lead generation software, compared source code from both parties to determine whether defendant's code was copied or derived from plaintiff's code. Issued expert report. Case settled.

*Hudec Dental v. Multimedia Marketing:* In a dispute over a failed implementation of a Dental Practice Management System brought by a large dental practice against the software vendor, determined through extensive testing that the software as installed was materially defective, non-conforming with agreed-upon specifications, missing promised functionality, riddled with security holes, and incapable of supporting the business operations for which it was acquired, including customer's daily transaction volumes. Wrote expert report. Case settled.

*Certification Trendz v. Ning Zhou:* Investigated foreign theft and sale of intellectual property in the form of exam preparation materials as well as trademark misappropriation. Analyzed registration information and online materials to find defendant was in contempt of a preliminary injunction. Proffered declaration on behalf of Certification Trendz. Case settled.

*Prodomax v. Encompix:* In a software failure arbitration brought by a provider of automated manufacturing solutions against a developer of Enterprise Resource Planning (ERP) software for Engineer-to-Order Manufacturers, rebutted claimant's expert report alleging the software was delivered late and did not meet the customer's requirements. Analyzed software and performed functional validation testing to determine conformance to contractual requirements. Wrote rebuttal report. Case settled.

*MedCorp v. Zoll Data Systems:* In a civil action involving defendant's implementation of commercial off-the-shelf software for plaintiff, an ambulance company, rebutted plaintiff's assertions of defective database design, which allegedly resulted in slow performance and the inability of the software to support 80 users and plaintiff's daily transaction volumes.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

Analyzed defendant software and database architecture. Identified the underlying causes of performance problems, which were, among other reasons, the result of plaintiff's failure to adhere to published vendor specifications for hardware configuration and current operating system and database versions. Issued expert report and rebuttal report. Gave depositions on each. Case was dismissed.

*Metropolitan Government of Nashville and Davison County v. Affiliated Computer Services, Inc. (ACS):* In a civil matter involving defendant's implementation of commercial off-the-shelf software for plaintiff, a municipal traffic agency, interviewed fact witnesses, examined case documents, performed extensive functional software validation testing, conducted detailed schedule delay analysis to rebut plaintiff's claims of delay, misrepresentation and software engineering failures. Wrote expert report. Deposition given. Case settled.

*McIntosh v. State Farm Insurance:* Served as a court-appointed computer forensic expert in a Hurricane Katrina related case. Work involved recovery of insurance claim data from a damaged hard drive. Issued status reports to the Court containing results of forensic recovery of data requested by the parties.

*Property Insurance Association of Louisiana v. Strategic Business Solutions:* In a software failure and copyright infringement arbitration brought by a state insurance agency against an IT consulting firm, analyzed software code and project documents to determine if respondent violated Project Management and Software Engineering industry standards. Analyzed source code for substantial similarity in accordance with the abstraction-filtration comparison test to determine if defendant misappropriated claimant's trade secrets and intellectual property in subsequent client engagements. Wrote expert report. Case settled.

*William Morgan P.C. v. Wiswell and Murphy:* In this civil action under the Computer Fraud and Abuse Act, in which former employees hacked into their former employer's network and redirected confidential emails to their Yahoo! account, performed investigation and collected and analyzed evidence from network logs and hard drives, which established the defendants' violations. Report issued. Case settled.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

*Gas Transmission Northwest v. SunGard:* In arbitration involving a dispute over the development of gas pipeline scheduling software, concluded that (a) Vendor failed to deliver to customer promised functionality materially in accordance with documented requirements, and (b) system performance failed to meet the specifications of the contract and could not support customer's business volume. Wrote expert report and gave deposition testimony. Customer awarded full amount of damages sought at arbitration hearing.

*Visa USA Inc. v. Maritz Inc.:* In a software failure arbitration brought by an international credit card company against a sales and marketing services company, performed schedule delay analysis and document review to rebut claimant's allegations that respondent caused inexcusable delays in the project and violated industry standards for project management and software engineering. Case settled prior to issuance of expert report.

*Force Protection v. Protected Vehicles:* In a trade secret misappropriation case brought by a manufacturer of blast-resistant military vehicles against former officers and directors who had moved to a competitor, forensically examined hard drives taken by the defendants prior to departing from plaintiff's employ. Analysis of these drives indicated that key trade secrets of plaintiff were taken. Issued affidavit accordingly. Case settled prior to deposition and trial.

*Lands' End v. Trilogy Software:* In a software failure and copyright infringement matter brought by a direct catalog merchant against an enterprise CRM software vendor, analyzed project documents and software code to establish project management and software engineering failures and determine the causes of those failures. Performed functional and performance testing of software. Also examined code to establish copyright infringement by defendant. Case settled prior to issuance of expert report.

*IAS v. Paraben:* In a dispute over failure to comply with court-ordered ESI production, forensically examined ESI for compliance with Court's orders, identifying deficiencies in compliance. Issued three affidavits and attended hearings. Case settled.

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EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

*City of West Palm Beach v. VisionAir:* In a software failure matter brought by a municipal law enforcement agency against a Police, Fire and EMS Computer-Aided Dispatch software product vendor, analyzed modules including project documents and help desk data to rebut plaintiff allegations of project management, software engineering, and product support failures. Wrote expert report. Case settled.

*Massoud Sedigh v. Global Signal, Inc.:* In an arbitration involving alleged wrongful termination of a CIO 30-days prior to the vesting of his stock options, interviewed fact witnesses, examined case documents, and consulted industry standard references to rebut respondent's allegations of the CIO's project management and system implementation performance failures. Wrote expert report. Case settled.

*Central Provident Fund Board (of Singapore) v. IBM Singapore PTE LTD:* In a software failure matter brought by a foreign government agency against a global computer technology company, interviewed fact witnesses, analyzed project documents and software to rebut plaintiff allegations of project management and software engineering failures. Case settled.

*Amazon Herb v. Think Technologies, Inc.:* In a software failure matter brought by a network marketer against a software product and services vendor, analyzed project documents and software to establish project management and software engineering failures and determine causes of these failures. Wrote expert report. Case settled.

*CTS v. BudgeText:* In a civil matter involving development of customized software to support operations of college bookstores brought by a software development and consulting company against a major distributor of used textbooks, interviewed fact witnesses, examined case documents, analyzed developed software, and consulted industry standard references to rebut defendant's counterclaims of project management and software engineering failures. Analyzed conversion and copyright issues. Case settled.

*Kaplan, McLaughlin, Diaz v. Lawson Software:* Dispute between architecture & engineering firm, and a software developer. Primary issues addressed were whether software functionality was misrepresented, as well as alleged delivery and implementation failures. Performed analysis of source and executable code and issued report. Also, provided affidavit in support of plaintiff's motion to compel discovery of defendant's source code.

**PROFESSIONAL  
EXPERIENCE AS A  
CONSULTING AND  
TESTIFYING  
EXPERT  
(CONTINUED)**

*EDS v. State of North Carolina DHHS:* In a state bid protest involving a Medicaid Management Information System (MMIS), my analysis led me to conclude that the winning bidder (ACS) had not complied with the (then) newer statewide technical architecture standards for a 3-tier/N-tier architecture. Work included assessing technical aspects of the systems architecture against the RFP and statewide architecture standards. Issued report and gave deposition testimony. EDS's motion for summary judgment was granted on the grounds that the State erred by failing to find ACS's bid nonresponsive to the RFP's mandatory requirement of compliance with the statewide technical architecture.

*Motorola Call Center Outsourcing:* In a dispute over cancellation of a call center outsourcing contract due to alleged failure to achieve agreed-to service levels, was engaged as a IT expert to assess whether the outsourcer had met contractually mandated service levels for call center performance. Analyzed impact of people, process and technology, particularly the Siebel Customer Relationship Management (CRM) software, on call center performance. Analyzed empirical data gathered for numerous metrics involved in outsourcer's call center operations. Identified material deviations from required service levels for several of the required metrics.

**OTHER  
PROFESSIONAL  
EXPERIENCE:  
PRIOR TO  
WORKING AS A  
CONSULTING AND  
TESTIFYING  
EXPERT**

Led IT portion of massive forensic investigation of Swiss banks to identify World War II-era dormant accounts. This engagement involved detailed review of more than 200 Swiss banks and their subsidiaries and affiliates on behalf of the Independent Association of Eminent Persons (IAEP), also known as the Volcker Commission. Computer file review of accounting information, restoration of older generation electronic media, and sophisticated computerized name matching techniques were employed due to the huge volume of information.

Negotiated software licensing agreements and hardware reseller agreements while leader of systems integration business unit.

Implemented under an outsourcing contract, a customer service system that replaces 3,000 IBM 3270 terminals with workstations running PowerBuilder-based applications at seven geographically dispersed locations across the United States. This system is used to manage 50 million documents per year electronically. This system represents one of the largest and most ambitious client-server implementations undertaken at the time. In addition to project planning and management, Mr. Parmet was responsible for all technical aspects of the project including system

**OTHER  
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architecture, application and database development, network, hardware, integration and operating systems.

Directed the implementation and management of document databases for several multi-billion dollar lawsuits involving over a million documents and several hundred paralegals and document analysts in the pre-trial effort.

Oversaw the design, development and implementation of a computerized case management system for the corporate law department of a Fortune 50 company.

Developed and implemented one of the first point-of-sale systems for real-time electronic funds transfers.

Managed a data communications network linking 93 district insurance offices to a central location.

**EXPERT  
TESTIMONY AND  
REPORTS  
DURING PAST 4  
YEARS**

Engaged in 2011 by Abacus in the matter of *InDyne, Inc. v. Abacus Technology Corp.* in the United States District Court for the Middle District of Florida, Case No. 6:11-cv-137. Expert report of Jeff Parmet proffered on behalf of Abacus on January 23, 2012. Case dismissed June 1, 2012 on summary judgment.

Engaged in July 2011 by CRS, Inc. in the matter of *Frontline Placement Technologies, Inc. v. CRS, Inc.* in the United States District Court for the Eastern District of Pennsylvania, Case No. 2:07-cv-2457. Expert invalidity report of Jeff Parmet proffered on behalf of CRS August 19, 2011. Expert non-infringement report of Jeff Parmet proffered on behalf of CRS September 21, 2011. Expert reply report of Jeff Parmet proffered on behalf of CRS October 11, 2011. Deposition given October 25, 2011. Trial pending.

Engaged in 2010 by Hudec Dental in the matter of *Hudec Dental v. Multimedia Marketing, Inc.* in the United States District Court for the Northern District of Ohio, Case No. 1:09-cv-1324. Expert report of Jeff Parmet proffered on behalf of Hudec Dental April 15, 2011. Case settled in June 2011 prior to depositions and trial.

Engaged in 2010 by Certification Trendz in the matter of *Certification Trendz, Ltd. v. Ning Zhou, et al.* in the United States District Court for the Eastern District of Virginia, Civil Action No. 1:09-cv-1214.

**EXPERT  
TESTIMONY AND  
REPORTS  
DURING PAST 4  
YEARS  
(Continued)**

Declaration of Jeff Parmet proffered on behalf of Certification Trendz May 16, 2010. Case settled prior to deposition and trial.

Engaged in 2009 by MediZine in the matter of *Marketing Technology Solutions, Inc. v. MediZine et al.* in the United States District Court for the Southern District of New York, Index No. 09-cv-8122. Preliminary Expert Report of Jeff Parmet proffered on October 26, 2009. Declarations of Jeff Parmet proffered on October 30, 2009 and November 25, 2009. Case settled prior to deposition and trial.

Engaged in 2009 by BearingPoint, Inc. in the matter of *BearingPoint, Inc. v. United States Department of the Interior* in the United States Court of Federal Claims, Civil Action No. 07-631C. Expert report of Jeff Parmet proffered on behalf of BearingPoint January 28, 2011. Rebuttal report of Jeff Parmet proffered on March 28, 2011. Case settled prior to expert depositions and trial in June 2011.

Engaged in 2008 by Zoll Data Systems in the matter of *MedCorp, Inc. v. Zoll Data Systems, Inc.* in the United States District Court for the District of Colorado, Civil Action No. 08-cv-00867-MSK-KLM. Expert report of Jeff Parmet proffered on behalf of Zoll February 6, 2009. Deposition of Jeff Parmet given April 17, 2009. Rebuttal report of Jeff Parmet proffered on July 6, 2009. Deposition of Jeff Parmet given April 30, 2010. Supplemental rebuttal report of Jeff Parmet proffered on June 16, 2010. Case dismissed March 16, 2011.

Engaged in 2008 by special master in the matter of *McIntosh v. State Farm Insurance*, U.S.D.C., Southern Dist Mississippi, Southern Division, Civil Action No: 1:06-CV-0180-LTS-RHW as forensic expert. Issued several status reports containing my findings to the Court from April through July 2008.

Engaged in 2008 by Nortel in the matter of *Mecklenburg County v. Nortel Government Solutions, Inc.* in the United States District Court for the Western District of North Carolina, Civil Action No. 3:07-cv-00320. Expert report of Jeff Parmet proffered on behalf of Nortel April 28, 2010. Case settled prior to expert depositions and trial.

Expert Report of Jeff Parmet proffered on behalf of Waste Management in the matter of *Waste Management, Inc. v. SAP AG and SAP America, Inc.*, January 6, 2010, in the District Court of Harris County, Texas, Cause No. 2008-17510. Case settled prior to deposition and trial.

**EXPERT  
TESTIMONY AND  
REPORTS  
DURING PAST 4  
YEARS  
(Continued)**

Engaged by Information Assurance Services (IAS) in the matter of *Information Assurance Services, LLC v. Paraben Corporation, et al.*, In the Circuit Court for Montgomery County, Maryland, Civil Action No. 286414. Provided testimony by way of affidavits from 2008 through 2010, when case settled.

Expert Report of Jeff Parmet proffered on behalf of Affiliated Computer Services, Inc. in the matter of *Metropolitan Government of Nashville and Davidson County v. Affiliated Computer Services, Inc. d/b/a ACS Government Systems, Inc.*, December 13, 2007, filed in United States District Court Middle District of Tennessee. Deposition testimony given January 23-26, 2008. Supplemental Expert Report proffered on March 3, 2008. Deposition testimony given March 28, 2008 on Supplemental Report. Case settled prior to trial.

Engaged by Force Protection in the matter of *Force Protection Industries, Inc. v. Protected Vehicles, Inc. et al.*, filed in the United States District Court for the District of South Carolina, Charleston Division, C/A No. 2:07-02895. Affidavit of Jeff Parmet proffered on behalf of Force Protection September 29, 2008. Case settled prior to deposition and trial.

Engaged by Sony in the matter of *Sony ATV Music Publishing v. Cavs USA, Inc. et al.* in the United States District Court Middle District of Tennessee, Case No. 03:08-0265. Expert report of Jeff Parmet proffered on behalf of Sony September 15, 2008. Case settled prior to deposition and trial.

Engaged by Key Power in the matter of *Archonix Services, LLC v. Key Power International, Inc. et al.* in the Superior Court of New Jersey, Burlington County, docket number: BUR-L-1886-05. Expert report of Jeff Parmet proffered on behalf of Key Power December 12, 2008. Hearing testimony given December 15, 2008. Case settled in 2010.

Expert Report of Jeff Parmet proffered on behalf of VisionAIR, Inc. in the of *City of West Palm Beach v. VisionAIR, Inc.*, May 28, 2007, filed in United States District Court Southern District of Florida. Case settled prior to deposition and trial.

**EXPERT  
TESTIMONY AND  
REPORTS  
DURING PAST 4  
YEARS  
(Continued)**

Expert Report of Jeff Parmet proffered on behalf of Gas Transmission Northwest in the matter of *Gas Transmission Northwest Corporation v. SunGard Energy Systems, Inc.*, January 10, 2007, with the American Arbitration Association in Portland, OR. Deposition testimony given February 2, 2007. Hearing testimony given March 16, 2007. Client awarded full amount of damages sought at arbitration hearing.

**PUBLICATIONS  
DURING PAST 10  
YEARS**

"Challenging The Validity Of Software Copyright Registrations: The Deposit Copy Requirement," Submitted for publication, April 2012.