

A. J. Nichols, Ph.D.

Neutral Computer Expert, Special Master, Arbitrator, Mediator



A. J. "Nick" NICHOLS provides services as a neutral technical and business expert in all aspects of litigation, pre-litigation evaluation, mediation, trial, and arbitration.

Neutral Experience. Dr. Nichols has acted as a Special Master and neutral technology expert for judges of United States District Courts; the Supreme Court of Singapore; the Superior Courts of San Francisco, Santa Clara, and San Diego Counties; to JAMS neutrals; and directly to the parties involved.

Dr. Nichols serves as an arbitrator for the American Arbitration Association and for the San Francisco and San Mateo County Fee Arbitration programs, and as a Neutral Arbiter for Just Resolve. He is on the mediation panels of the Northern District of California, the San Francisco Community Boards resolution center, and the Peninsula Conflict Resolution Center in San Mateo, California. He obtained his mediation training at Harvard Law School and through the organizations for which he mediates.

In acting as a Special Master (5 cases) and neutral expert (20 cases), Dr. Nichols has:

- assisted judges in their understanding of relevant technology, expert reports, and exhibits
- reviewed orders for technical accuracy
- monitored compliance with court orders regarding technology issues
- performed forensic analysis of disk drives, including restoration of deleted documents
- examined computer programs for evidence of misappropriation and other malfeasance
- resolved discovery issues in the production of source code and specification of trade secrets
- written reports and orders on the above

Service as a Neutral or Special Master. Among the 25 cases in which he has assisted as a Special Master or neutral expert are:

- *In re Napster* and *Applied Materials v. MultiMetrixs* (Hon. Marilyn Hall Patel)
- *Cisco v. Huawei* (the parties themselves)
- *Software Rights Archive v. Facebook, LinkedIn, and Twitter*; *Sun Microsystems v. Microsoft*; and *Cadence Design Systems v. Avant!* (Hon. Ronald M. Whyte)
- *Creative Technology v. Aztech Systems* (Supreme Court of Singapore)
- *Revolutionary Software, Inc. v. Eclipsys Corporation* (Hon. James Ware)
- *Comcast Cable Communications, et al. v. Sprint Communications, et al.* (Hon. Jan DuBois)
- *Planet Bingo, et al. v. Randy Von Drasek, et al.* (Hon. George Wu)

As a mediator and arbitrator, he has been a neutral in more than 70 disputes ranging from patent infringement to business contracts to neighbor and family issues to fees charged by attorneys.

Expert Witness Background. Dr. Nichols has acted as an expert witness or consultant for plaintiffs and defendants in nearly 100 litigation matters involving patents, trade secret misappropriation, copyright infringement, and design defects. The technologies involved both hardware and software across the breadth of the computer field. Examples include social media, peer-to-peer communications, laser eye surgery software, disk drives, web page design, BIOS operation, data communications, electronic games, networks, image rendering, logic design, and clean room setup.

Education and Experience. His education includes a Ph.D. in Electrical Engineering from Stanford University, an M.S. in EE from Stanford, and B.S. degrees in both Business Management and Electrical Engineering from the University of Colorado, Boulder.

Dr. Nichols has a broad technology and business background in the engineering of computer hardware and software. He served as an engineering executive, developer, and researcher for Millennium Systems, Intel Corporation, American Microsystems, Novar Corporation, and Lockheed Missiles & Space Company. He founded Probitas to provide consulting and product development assistance to high technology companies and has served as president since its inception.

