

## A. J. Nichols, Ph.D. Neutral Computer Expert, Special Master, Arbitrator, Mediator



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

**Neutral Experience.** Dr. Nichols has served as a Special Master and neutral technology expert to judges of United States District Courts; the Supreme Court of Singapore; the Superior Courts of San Francisco, Santa Clara, and San Diego Counties; JAMS neutrals; and directly to the parties involved. He is a fellow of the Academy of Court-Appointed Masters.

Dr. Nichols serves as an arbitrator and mediator for the American Arbitration Association. He is on the mediation panels of the Northern District of California, the First Appellate District of the California Court of Appeals 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 and neutral expert, 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

**Services as a Neutral or Special Master.** Among the 22 cases in which he has assisted as a Special Master or neutral expert are:

- *In re Napster* and *Applied Materials v. MultiMetrixs* (Honorable Marilyn Hall Patel)
- *Cisco v. Huawei* (the parties themselves)
- *Sun Microsystems v. Microsoft* and *Cadence Design Systems v. Avant!* (Honorable Ronald M. Whyte)
- *Creative Technology v. Aztech Systems* (Supreme Court of Singapore)
- *Revolutionary Software, Inc. v. Eclipsys Corporation* (Honorable James Ware).

**Expert Witness Background.** Dr. Nichols has acted as an expert witness or consultant for plaintiffs and defendants in over 75 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 modems, 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.

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.

**Education and Experience.** Dr. Nichols has a broad 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.

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