

## *Nikolaus Baer*



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### **PROFESSIONAL SUMMARY**

Nikolaus Baer is a research engineer at Zeidman Consulting. He has developed software for marine research, optical testing equipment, military terrain databases, mobile applications and medical devices. He has written articles and given presentations about software trade secret theft and how to analyze source code for detecting it. Nik is certified in the use of CodeSuite®. He holds a bachelor's degree in Computer Engineering from UC Santa Barbara, where he attended on a Regents Scholarship. He has placed first in the Start Cup 2004 business plan competition. Nik is currently the assistant secretary of the Northern California Scholarship Foundation's Alumni Association, a member of the Belmont Lions, and a member of IEEE.

### **EXPERIENCE**

#### 08/2006 – present: Zeidman Consulting

- Research Engineer
- Runs CodeSuite® and analyzes results for a software IP litigation
- Writes expert reports for software IP litigation
- Performs research on patents and trade secrets
- Writes claim charts for patent infringement analysis
- Develops software analysis tools

#### 08/2006 – 02/2008: Theranos, Inc.

- Firmware Developer
- Performed product development including prototype design, implementation, and testing in pre-clinical settings on a multiprocessor system with Java J2ME in the communication environment and real-time C in the device control environment

#### 03/2006 – 08/2006: Zeidman Technologies

- Member of Technical Staff
- Developed multifaceted GUI in VB for Ethernet networking emulation software
- Upgraded complex multi-threaded DLL in VC
- Designed and built large data post processing methodology
- Researched and developed data passing algorithms between multi-threaded VC and VB
- Documented source code, and updated help files in RoboHelp

#### 01/2005 – 03/2006: Nascent Systems Technology

- Software Developer
- Ported large software application onto small mobile devices using MS Visual C++, eVC++ and Windows API with RS232, Bluetooth, WLAN and USB communication
- Recruited, hired and managed software consultants to reduce development time and increase profit
- Built and maintained marketing website using HTML and JavaScript with Flash demo

- Wrote, edited and published complex applications' demonstrations and tutorials using Microsoft Office
- Developed search solution in Java for making extensive documentation user-friendly which reduced a month long documentation job to a few hours

#### 04/2003 – 01/2005: Vareda Engineering

- Project Engineer/Programmer (part-time while in college, full-time after graduation)
- Designed and built specialized testing and research equipment
- Built embedded circuits and matching custom drivers for PC control and setup
- Presented to customers and negotiated to tailor end products to customer needs
- Tested, debugged and troubleshot systems
- Supervised aspects of product's embedded programming
- Wrote and edited portions of business proposals

#### Summer 2002: Organic Photometrics

- Product Development Manager
- Led the development of new commercial testing equipment addressing the unique needs of organic LED developers
- Put together drivers for light spectrum/strength meters and power supplies
- Integrated complex hardware sensors into a user-friendly aesthetic interface program

### **EDUCATION**

Technology Entrepreneurship Certificate, UC Santa Barbara 2004

B.S. Computer Engineering (High Honors), UC Santa Barbara 2004

### **LEGAL CONSULTING/EXPERT WITNESS**

#### 8/2011—present: Bally Technologies, Inc. v. Business Intelligence Systems Solutions

Law Firm: Morgan, Lewis, & Bockius LLP

Client: Business Intelligence Systems Solutions

Court: U.S. District Court, District Of Nevada

Case: 2.10-CV-00440-PMP-RJJ

- Alleged patent infringement of data visualization system.
- Analyzed patents.
- Examined source code.
- Submitted an expert report.
- Testified in deposition.

#### 8/2010 – 3/2011: Cross Match Technologies v. Suprema and Mentalix

Law Firm: Latham & Watkins

Client: Cross Match Technologies

Court: United States International Trade Commission

Investigation: 337-TA-720

- Alleged patent infringement of fingerprint scanning software.
- Analyzed patents.
- Examined source code.
- Compared source code using CodeMatch.
- Assisted with writing an expert report.

#### 3/2010 – 9/2010: Datamaxx v. Computer Products of Illinois

Law Firm: Ausley & McMullen

Client: Computer Products of Illinois

Court: U.S. District Court, Northern District Of Florida, Tallahassee Division

Case: 4:09cv435-RH/WCS

- Alleged copying of software to enable law enforcement.
- Compared source code using CodeMatch.

- Assisted with writing of a declaration and an expert report.

2/2010 – 7/2010: SplitFish v. Bannco

Law Firm: Finnegan, Henderson, Farabow, Garrett & Dunner, LLP  
 Client: SplitFish  
 Court: U.S. District Court, Northern Eastern District of Virginia, Alexandria Division  
 Case: I:10cv297

- Preliminary injunction against defendant granted.
- Alleged copying of firmware for video game controllers.
- Compared source code using BitMatch.
- Assisted with the writing of two declarations.

10/2009-11/2009: Sigma Six Technologies and Sigma Six Consulting. v. Nagarro and T-Systems Enterprise Services.

Law firm: Ropers, Majeski, Kohn & Bentley PC  
 Client: Nagarro  
 Court: U.S. District Court, Northern District of California  
 Case: C 08-05633 JW

- Case was settled.
- Alleged trade secret infringement case involving enterprise client user interface software.

8/2009 – 12/2009: De Lage Landen Operational Services v. Third Pillar Systems

Law Firm: Wilson Sonsini Goodrich & Rosati  
 Client: Third Pillar Systems  
 Court: U.S. District Court, Eastern District of Pennsylvania  
 Case: 09-cv-02439-HB

- Case was adjudicated.
- Alleged trade secret misappropriation and contract dispute involving lending and leasing software.
- Compared source code using CodeMatch and CodeDiff.

3/2009 – 2/2011: Financial Systems Technology v. Oracle Corporation

Law firm: Orrick, Herrington & Sutcliffe  
 Client: Oracle  
 Court: United States District Court, Eastern District of Texas  
 Case: 2:08-CV-371

- Case was settled.
- Alleged patent infringement case involving database software.

2/2009 – 10/2009: Minden Schipper & Associates v. Cancercare Manitoba (Varian Medical Systems)

Client: Varian Medical Systems  
 Court: Queen's Bench, Winnipeg Centre, Canada  
 File: CI 05-01-45377

- Case was settled.
- Alleged copying of oncology diagnosis expert system software.
- Compared source code using CodeMatch.

11/2008 – 1/2010: Applied Materials v. Advanced Micro-Fabrication Equipment Co.

Law firm: Goodwin Procter  
 Client: Applied Materials  
 Court: U.S. District Court, Northern District Of California  
 Case: C07 05248 JW (PVT)

- Case was settled.
- Alleged copying of software for semiconductor manufacturing machines.
- Compared source code using CodeMatch.

9/2008 – 9/2009: Abanco Investments LLC v. GuestLogix Inc.

Law firm: Patterson, Thunte, Skaar & Christensen  
Client: GuestLogix  
Court: U.S. District Court, Northern District of Illinois  
Case: 07 C 1071

- Case was settled.
- Alleged trade secret theft involving point-of-sale software.
- Compared source code using CodeMatch.
- Assisted with the writing of an expert report.

7/2008-10/2008: Facebook, Inc. v. StudiVZ Ltd.

Law firm: Orrick, Herrington & Sutcliffe  
Client: Facebook  
Court: U.S. District Court, Northern District of California  
Case: 5:08-CV-03468 JF

- Case was settled.
- Alleged copyright infringement case involving web-based social networking software.
- Compared source code using CodeMatch.

04/2008 – 11/2008: Intelligraphics, Inc. v. Marvell Semiconductor, Inc.

Law firm: Sommers and Schwartz  
Client: Intelligraphics  
Court: U.S. District Court, Northern District Of California – San Francisco Division  
Case number: C-07-2499 JCS

- Contract dispute case involving WLAN firmware and drivers.
- Compared source code using CodeDiff.
- Assisted with the writing of an expert report.

03/2008 – 08/2008: Carl Zeiss Meditec v. Optovue

Law firm: Nixon Peabody  
Client: Carl Zeiss Meditec  
Court: U.S. District Court, Northern District of California - Oakland Division  
Case number: C 07-03010 CW

- Case was settled
- Alleged copyright/trade secret theft case involving optical coherence tomography software.
- Compared source code using CodeMatch.
- Assisted with the writing of an expert report.

2/2008 – 7/2008: Symantec v. Commissioner of Internal Revenue

Law firm: Baker & McKenzie  
Client: Symantec  
Court: US Tax Court  
Case: 12075-06

- Case was adjudicated.
- Software tax dispute
- Compared source code using CodeDiff.

08/ 2006 – 08/2007: AdTech RFID v. Adept Identification Technologies

Law firm: Wilson Sonsini Goodrich & Rosati  
Client: Adept Identification Technologies  
Court: Santa Clara County Superior Court  
Case: 1-06-CV-057464

- Case was settled
- Alleged trade secret theft case involving RFID software.
- Compared source code using CodeMatch.
- Assisted with the writing of an expert report.

## PAPERS AND PRESENTATIONS

1. Baer, N., and Ahuja, J., "Protecting and Tracking Confidential Materials," *Intellectual Property Today*, May 2012.
2. Baer, N. and Zeidman, B., "Measuring Whitespace Pattern Sequences as an Indication of Plagiarism," *Journal of Software Engineering and Applications*, 2012, April 2012.
3. Shay, I., Baer, N., and Zeidman, R., "Measuring Whitespace Patterns in Computer Source Code as an Indication of Plagiarism," *Intellectual Property Today*, October 2010.
4. Shay, I., Baer, N., and Zeidman, R., "Measuring Whitespace Patterns as an Indication of Plagiarism," ADFSL Conference on Digital Forensics, Security and Law, May 20, 2010.
5. Baer, N. and Zeidman, B., " Measuring Changes in Software with CLOC," *Embedded.com* ([www.embedded.com](http://www.embedded.com)), July 28, 2009.
6. Baer, N. and Zeidman, B., "Measuring Changes in Software IP," *Intellectual Property Today*, May 2009.
7. Baer, N. and Zeidman, B., "Measuring Software Evolution with Changing Lines of Code," 24th International Conference on Computers and Their Applications (CATA-2009), April 10, 2009.
8. Baer, N., *Discovering Software Trade Secret Theft*, Silicon Valley CodeCamp, 11/2008
9. Zeidman, B. and Baer, N., *What, Exactly, Is Software Trade Secret Theft?* *Intellectual Property Today*, March 2008.
10. Baer, W. and Baer, N., *Battlefield Visualization and Database Creation System Using One Meter Terrain*, *Proceedings of the ITEA Modeling and Simulation Workshop*, 12/2005.

## PATENTS:

1. Baer, N., Marini, F., Lodi, A., and Faetani, S., *Portable Unit for Determining the Position With Respect to a Reference, Particularly for Substantially Shielded Environments*, USPTO application number 11/282,832 (pending).

## AWARDS & MEMBERSHIP

- First Place (\$10,000) Start Cup 2004 (Business Plan Competition)
- Secretary of Alumni Association: Northern California Scholarship Foundation
- UCSB's Regents Scholarship, Chancellors Award, Honors, Dean's Honors
- Tau Beta Pi: Engineering Honor Society
- Member, IEEE
- Toastmasters International
- Membership Director, Belmont Lions

## TECHNICAL SKILLS

- Bluetooth
- Circuit Manufacturing
- CodeSuite®
- Embedded Circuit Design
- Embedded Programming
- Ethernet
- Java Networking
- Peripheral Drivers
- Product Testing
- Programming Languages
  - Assembly
  - C
  - C++
  - HTML
  - Java

- JavaScript
- Python
- SQL
- Visual Basic
- Visual C++
- Sockets
- Windows
- WLAN

#### **PROFESSIONAL SKILLS**

- Budgeting
- Business Proposals
- Customer Support
- Employee Management
- Project Management
- Technical Writing