
The Role of the Expert Witness in Technology Litigation

IEEE Consultants Network of Silicon Valley

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Katherine Ford Horvath

Fish & Richardson PC

The Challenge:

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Understanding and explaining complex
technology to a judge and jury...



The Solution:

Hire the right expert witness.

What is technology litigation?



- Patent
- Trade secret
- Antitrust
- Other IP

Anatomy of a Litigation

- The case begins
- Discovery
 - ◆ Documents
 - ◆ Depositions
- Motions
- Expert reports
- Hearings
- Trial

What is the expert's role?

- Technology analyses
- Teaching
- Testifying expert
- Non-testifying expert
- Special Master

Purpose:

Advocacy v. Just the facts ma'am



Credibility

The slippery reputation slope...

Integrity is key.

Tips for Working with Lawyers

- Be patient
- Be flexible – deadlines move
- Be a teacher
- Communicate
- Say no

Which credentials matter?

- Degrees
- Industry experience
- Teaching ability
- Communication skills
- Presence

How do I find experts?

- Clients
- IEEE Consultants
- Universities
- Industry
- Recommendations
- Publications

Privilege Issues

- Attorney/client privilege
- Work product immunity
- Testifying v. non-testifying expert
- Protective orders