



Donald Rickert, Ph.D., IDSA: Patent Litigation Expert Witness & Expert Consultant Experience

I am the Managing Partner (Owner) of **Wiederholt & Rickert Partners, LLC**, a unique Patent Litigation Expert Services and New Product Design/Design Research firm, serving a variety of industries (**d/b/a Don Rickert Research & Design™**).

Expert Witness Experience and Special Skills

- Experience as testifying expert witness on a landmark patent infringement case (U.S. District Court) and multiple ITC 337 Investigations
- **Physical Infringement Analysis:** I possess beyond-the-ordinary experience as an expert witness in analyzing internal electro-mechanical structures (e.g. switching mechanisms) and electronic components of accused devices
- I also have rare experience in review and analysis of USPTO Patent Prosecution Records
- Experience in preparing most of the reports (Rule 26 Reports, multiple Rebuttals, and Expert Declarations) that are possible for an Expert Witness on U.S. District Court patent infringement cases to write.
- Deposition and trial experience, including preparation of 100s of exhibits

Special Expert Witness Skills

- In first professional job as Juvenile Case Worker with the State of Maryland, Dept. of Health & Mental Hygiene, I testified on more than 150 occasions (Civil as well as Criminal trials), in Circuit Court (Judge presiding) as well as Magistrate Courts...I developed my testimony skills, especially “confident grace under pressure”.
- Deep familiarity and experience with Federal Court Patent infringement lawsuit rules of evidence, procedures, Expert Declarations (written reports to the Court), and the overall role of lead Expert Witness, including testimony in deposition as well as trial
- Authoritative and confident demeanor, but likeable (e.g. by Juries) and cool under attack (Described by one client as “*a powerful presence, mellowed by a genuine Southern charm.*”)
- Well-developed ability to synthesize seemingly unrelated social, legal, political and technological historical time-lines and weave these threads into the real story of how well-known disruptive innovations like “smart phones”, as well as more obscure (to the average person) technologies such as device and data encryption requirements for mobile devices, came about. I can tell the story so that all (e.g. members of a Jury) can understand.

Note: A comprehensive list of my skills and wide breadth of expertise can be found on my LinkedIn profile page (www.linkedin.com/in/donrickert/)

Donald E. Rickert, Ph.D., IDSA¹

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U.S. District Court, Central California District

- **Type of Case:** Intellectual Property (Patent Infringement)
- **Domain:**
 - Hand-held remote control devices for interactive television
- **Years of Involvement:** 2011-2012
- **Worked for:** Defendant
- **Standard Expert Witness Services Provided:**
 - *Consulting*
 - *Research*
 - **Prior Art Analysis** of more than 300 patents and many physical articles (input devices)
 - *Reports*
 - Rule 26 Report (i.e. Expert Report)
 - Rebuttals (*Note:* There were two opposition Expert Witnesses; therefore two Rule 26 Reports requiring two separate Rebuttals.)
 - Expert Declaration Appendix to Motion for Summary Judgment
- **Beyond-the-Usual Expert Witness Services Provided:**
 - **Physical Infringement Analysis:** In general, I am an expert analyzing internal structures and electronic components of accused devices. On this case, I carried out an uncommonly-detailed infringement analysis, involving housing disassembly and inspection of internal PC (printed circuit) boards and electro-mechanical switching mechanisms of 40+ accused infringing articles (an input device) and the same for similar prior art devices.
 - **Patent Prosecution Record Analysis:** Rare (for an expert witness) review and analysis of a several thousand page USPTO Patent Prosecution Record
- **Deposition:** Court-appointed Observer of Deposition of Fact Witness for the Defense. I was not deposed, as Plaintiff's Counsel assumed, correctly, that my testimony (based on my Rule 26 Reports) would raise Daubert issues.
- **Trial:** Case settled prior to cross-examination, which was three days into trial
 - *Note:* I was scheduled for 1 hour of Direct Examination and 1.5 hours of cross-examination and prepared approximately 100 exhibits. I was to have been the "Closer".
- **Outcome:** Settled during Trial (very desirable for the Defense)

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Donald Rickert, Ph.D., IDSA: Patent Litigation Expert Witness & Expert Consultant Experience

U.S. International Trade Commission, Washington, D.C. (1 of 3 in 2012)

- **Type of Case:** ITC 337 Investigation—Intellectual Property (Patent Infringement)
- **Domain:**
 - Video-on-Demand User Interface
- **Year of Initial Involvement:** 2012
- **Worked for:** Defendant
- **Services Provided: Served in Expert Consultant Role**
 - *Consulting*
 - *Research*
 - Document search and compilation
 - Video restoration
 - *Reports*
 - Wrote 36-page Expert Declaration related to video-on-demand technology. My report received high praise, leading to my retainer on two additional ITC 337 Investigations
- **Deposition:** N/A
- **Trial:** N/A
- **Outcome:** Case transferred to another law firm located geographically closer to the ITC.

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U.S. International Trade Commission, Washington, D.C. (2 of 3 in 2012)

- **Type of Case:** ITC 337 Investigation--Intellectual Property (Patent Infringement)
- **Domain:**
 - Video-on-Demand User Interface
- **Year of Initial Involvement:** 2012
- **Worked for:** Defendant
- **Services Provided: Served in Expert Consultant Role**
 - *Consulting*
 - *Research*
 - Document search and compilation
 - Video restoration (old promotional videos that proved existence of prior art)
 - *Reports*
 - Expert Declaration (see Deposition below)
- **Deposition:** Expert Declaration in lieu of Deposition
- **Trial:** N/A
- **Outcome:** Pending

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- **Services Provided: Served in Expert Consultant Role**
 - *Consulting*
- **Deposition:** N/A
- **Trial:** N/A
- **Outcome:** Pending

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