

## Wayne B. Norris

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### CURRICULUM VITAE

Wayne B. Norris has acted as an expert witness in more than 90 cases in federal, state, and local venues over the last several decades, including:

- Software Copyright infringement, Abstraction / Filtration / Comparison [code analysis and damages / appraisal computations]
- Computer Security and Forensics / Industry Best Practices, Defects / Failure Analysis
- Software Contract Performance, Paternity and Valuation
- Software Outsourcing, with emphasis on Russia and Ukraine
- Engineering Best Practices
- Management Best Practices
- Software Taxation Issues
- Software Industry Appropriate Compensation
- Patents, Patent validity, Patent Infringement
- Copyright issues
- Trade Secrets
- General Engineering and Physics
- General aviation aircraft operations and skydiving operations
- Fiduciary duties of corporate officers
- Hazardous materials, oil spills, and industrial safety, including radiological safety
- Aviation safety, best practices, and pilot error

Mr. Norris personally holds 6 granted patents in nuclear instrumentation. He has 6 pending patents in online securities trading, 1 filed patent in cell phone geolocation, 1 pending patent covering novel ballistic projectiles, and has authored a 14th patent in real estate escrow processes.

He has been the CEO of an expert witness firm, the Vice President of a Russian-American software company and the President and Chief Financial Officer of a Ukrainian-American software company he took public on US markets.

He has testified on approximately 27 occasions, spanning both court testimony and depositions, and has authored approximately 80 expert reports.

Mr. Norris specializes in explaining extremely complex concepts to general audiences in accessible and understandable ways. He has 49 years of professional service and 59 years writing and managing the development of computer software, beginning in 1959.

## List of Testimonies, 2013 - 2019, per FRE 26

- People of the State of California vs Nikolov, Los Angeles County Superior Court
- Live Face on Web vs Integrity -- US District Court, Denver, Colorado -- For Defendant's Counsel
- Doe vs Corona Norco Unified School District, Riverside County, CA Superior Court -- For Plaintiff's Counsel
- Live Face on Web vs Moreno -- US District Court, Western District of Texas, San Antonio Division -- For Defendant's Counsel
- Felix v Ramirez -- for defendant's counsel -- Superior Court of Los Angeles County, CA -- defendant prevailed on all counts, won counter-suit
- Paccione vs Albert -- Analysis of text message records in a criminal contempt of court hearing as part of a divorce proceeding -- charges dropped -- Los Angeles County Superior Court [Court testimony; 1 hour; direct, cross, redirect] - for Defendant's Counsel
- People of the State of California vs Keith Johnson -- Analysis of potentially available forensic records from multiple sensors in a child molestation case -- Not Guilty Verdict -- Shasta County, CA Superior Court [Court testimony; 2 hours; direct, cross, redirect]
- Marriage of Jensen -- Los Angeles County Superior Court - Analysis of email records for evidence of tempering.
- Naroditskiy vs Eon Reality -- Orange County Superior Court -- Valuation of Russian-American software representation contracts
- People of the State of California vs Creech, Los Angeles County Superior Court - Analysis of prosecution's use of animations in a high profile death penalty case
- Live Face on Web vs Integrity Systems, US Federal District Court, Denver
- People of the State of California vs Georgi Nikolov, Los Angeles County Superior Court

## **MOST RECENT CASES INCLUDE:**

- Appraisals, valuations, and damages in very difficult cases that no other experts will touch, based on multiple valuation approaches and consolidation of results, including stolen credit card numbers offered for sale on the Dark Web
- “Should-Cost” valuations of software in piracy cases and engineering contract performance
- Unjust enrichment in trade secret theft cases
- Forensic analysis of JavaScript code in a copyright infringement / copyright validation case, including Abstraction / Filtration / Comparison [AFC] tests
- Forensic analysis of metadata in a case of alleged international fraud
- Forensic analysis of email trails in a case of alleged forgery
- Forensic analysis of text message records in a criminal case
- Investigation of damage mechanisms to a computer system
- Forensic analysis of alleged Dark Web disclosures of Personally Identifiable Information [PII]
- Forensic analysis of alleged online slander
- Forensic analysis of cell phone photos in an alleged child pornography case
- Procedure analysis of sheriff’s investigators in an alleged case of lewd photography of under aged minors
- Appropriate compensation in the software industry
- Valuation of software in a copyright infringement case
- Appropriate commission structure in a US-Russian software business
- Physics analysis in patent infringement cases

## **PROFESSIONAL SUMMARY:**

Chief Executive Officer of Precision Simulations Inc., the leading provider of forensic / scientific documentation, analysis, and visualization services, including 3D laser scanning, animation, forensic video, photogrammetry, and testifying expert witness services for legal proceedings.

President and Chief Financial Officer of Offshore Creations, Inc. [OFSC.PK], a 130-person publicly traded international software company.

Chief Scientist of SEDS, LLC, a government contracting R&D firm working in counterterrorism; holder of 6 patents in nuclear technology, gamma ray sensing, and conventional and nuclear explosives detection using thermal neutron beams and pixilated gamma ray spectrometers. Specialist in millimeter microwave based weapons detection systems, profiling, ballistics, Munroe Effect penetrators, and explosives effects. Installed first millimeter microwave detection system at Cheyenne Mountain Complex. Analysis of Human Terrain Modeling with focus on bomb making.

## **PROFESSIONAL SUMMARY (continued):**

Principal, Norris Associates, Environmental Consultants, an environmental and engineering consulting firm. Projects included residential developments, the MX missile rail garrison plan, a proposed nuclear plant in Omaha, a sewage system in Los Angeles, oil drilling offshore Orange County, CA, and fuzzy set simulation of governmental decision making.

Consulting Physicist and Computer Systems Analyst, Jet Propulsion Laboratories, Vandenberg AFB, Edwards AFB, Kirtland AFB, GM Delco Division, McDonnell Douglas, Raytheon, Hughes Aircraft, AlliedSignal Corporation, ExperTelligence Corporation: Technology development for aerospace, domestic police, organized crime gang and terrorism human terrain modeling, national defense, intelligence community, and commercial projects.

Chief Scientist, Morton Associates, Santa Barbara, CA, corporate author of federally mandated Oil Spill Contingency and Emergency Plans [OSCEPs] for the Chevron platforms in the Santa Barbara Channel, the KLMR pipeline from Bakersfield to Los Medanos, the Estero Bay Marine Terminal, Estero Spur, Gosford Production Facility, Chevron Cavern Point Unit, and Phillips Marine Terminal. Lead author of the Commercial Fisheries Handbook for Proposed Exploratory Drilling Operations, Cavern Point Unit. Software developer, fugitive emissions reporting system, Unocal refineries. Financial analyst and appraiser, Unocal Huntington Beach onshore oil drilling, pipeline, and production facilities.

Founder, CEO, and Chief Pilot Norris Airways, Santa Barbara, CA Municipal Airport, an aircraft fixed base operation ("FBO"), FAR 135 Air Taxi, and Cessna dealership with 14 employees, including 9 pilots, 3 departments, and 11 aircraft.

Co-Founder and CEO, Gasohol, Incorporated, Santa Barbara, CA, the first modern wholesale/retail gasohol company west of the Mississippi River. Wholesale customers included the U.S. Navy.

Physicist, General Research Corporation, investigator in electromagnetic scattering, neutron transport, nuclear weapons effects, counterterrorism, computer assisted polygraphy / electrophysiology and facial gesture recognition, and the Strategic Defense Initiative.

Physicist, Rockwell Science Center, investigator on lunar samples from Apollos 11 and 12, planetary atmospheres, cosmic background temperature, and terrestrial atmospheric liquid water content for environmental analysis and environmental impact statements and reports.

Financial Analyst / Business Plan Author, Consultant – Holder of 6 Provisional Patents in financial options trading.

Patent advisor, Consultant

Advisor to Multiple Initial Coin Offerings [ICOs]

Expert witness for issues in Technology, Intellectual Property, Valuation, and Conduct of Corporate Officers in Federal and State courts.

## **EDUCATION AND CERTIFICATIONS:**

- University of California, Santa Barbara: B.A. Physics
- University of California, Santa Barbara: Post-graduate work in Advanced Mathematics and Physics, Human Factors, and Ergonomics, and CPA accounting
- Microsoft Certified Professional + Internet [MCP+I] designation
- Project Management Professional [PMP] designation
- Certified SCRUM Master [CSM] [Agile project management] designation
- University of Texas, Austin: Professional Certificate, Oil Field HAZOPS and Risk Management
- Security Management Certificate, Defense Industrial Security Clearance Office. Honolulu, HI
- Classified Warheads and Ballistics Seminars, US Naval Postgraduate School, Monterey, CA
- Former California State General Building Contractor, B-1 licensee
- FAA Airline Transport Pilot, Senior Parachute Rigger, CFII/ASMEI, Ground Instructor

## **AFFILIATIONS:**

- Institute of Electrical and Electronics Engineers [IEEE] – Life Member
- International Right of Way Association [IRWA]
- Association of Old Crows [AOC] [Electronic and cyber warfare professional organization]
- Project Management Institute [PMI] – Santa Barbara Chapter Director
- SCRUM Alliance [Agile project management]
- Santa Barbara Science and Engineering Counsel
- Association of the United States Army [AUSA] Life Member

## **SELECTED COMMUNITY EXPERIENCE:**

- President, Board Chair, Mothers Against Drunk Driving Santa Barbara: Created a pioneer vehicle donation program and created 34 radio and TV commercials and bi-lingual sober driving literature.
- Santa Barbara County Deputy Sheriff for Search & Rescue
- Member, Santa Barbara County Grand Jury, Sheriff's/Seniors Committees

## **PUBLICATIONS:**

"Time-Resolved Emission Spectroscopy in Acetylene/Oxygen Explosions", Combustion and Flame Journal, February 1970 (with R.J. Oldman and H.P. Broida)

"The Brightness Temperature of the Terrestrial Sky at 2.69 GHz", Journal of the Atmospheric Sciences, 29:1210 (with W.W. Ho, G.M. Hidy, M.J. Van Melle, W. Hall, H. Wang)

Chevron Fisheries Handbook for the Cavern Point Unit (with Prof. Milton, Love, Ph.D.)

## **PATENTS:**

Mr. Norris currently hold 6 granted patents and 8 provisional patents, and has acted as an expert in numerous patent cases, including against Microsoft, Logitech, Pelican Research, and Analog Devices, Inc.

US 7,573,044 B2 Remote Detection Of Explosive Substances GRANTED 8/11/09 - Priority 7/18/06

US 8,080,808 Remote Detection Of Explosive Substances (CIP 7,573,044) GRANTED 12/20/2011

US 8,288,734 Remote Detection Of Explosive Substances CIP GRANTED 10/16/2012

US 8,357,910 Background Signal Reduction In Neutron Fluorescence Applications Using Agile Neutron Beam Flux GRANTED 1/22/2013

US 8,410,451 Neutron Fluorescence with Synchronized Gamma Detector GRANTED 4/2/2013

US 8,785,864 Low-Cost, Organic-Scintillator Compton Gamma Ray Telescope GRANTED 6/22/2014 [with K.N. Ricci, B. Paden]

US 62305645 Method and System for Trading Low Priced Short Term Securities Option Contracts That Exhibit Specified Behaviors, PENDING 3/9/2016

US 62307986 Securities Trading Exchanges To Support the Sale and Exercise of Low Priced Short Term Securities Option Contracts That Exhibit Specified Behaviors, PENDING 3/14/2016

US 62307999 Method and Process To Support the Sale and Exercise of a Series of Low Price Securities Option Contracts To Achieve Specified Premium Price Values, PENDING 3/14/2016

US 62378833 Method and Process To Support the Interactive Sharing of Securities Trading Activities, PENDING 8/24/2016

US 62378846 Method and Process To Support the Positioning of Advertisements in a Securities Trading Platform, PENDING 8/24/2016

US 62378858 Method and Process for Combining Trades of Securities into a Lottery-Like Environment, PENDING 8/24/2016

US 62/353,466 US Method for Verifying Player Location in Online Lottery System, PENDING 9/22/2016.

US 62680807 *Multipurpose Projectile Having Preformed Pieces and a Variable Impact Deployment System*

## **EXPERT WITNESS EXPERIENCE DETAILED DISCUSSION:**

Mr. Norris has testified on approximately 27 occasions, spanning both court testimony and depositions, and has authored approximately 80 expert reports.

Mr. Norris specializes in explaining extremely complex concepts to general audiences in accessible and understandable ways. He has 49 years of professional service and 60 years writing and managing the development of computer software, beginning in 1959.

Mr. Norris was the US Government's expert witness for software development issues in the multi-year case of Microsoft Corporation versus Commissioner of Internal Revenue [US Tax Court Docket Number 16878-96], the largest tax case ever litigated by any jurisdiction in history. He authored four expert witness reports that were admitted into the record, and testified for approximately 7 hours, including *voire dire*, direct, cross, redirect, and recross.

Mr. Norris was the principal architect of the Government's technical approach toward interpretation of IRC 927(c) in the case of software. The Government won the case at trial, and his arguments were incorporated into the Court's opinion. He advised IRS attorneys on strategies for the examination of Microsoft expert witnesses.

Mr. Norris specializes in explaining very complex issues to the Court and Jury in accessible language.

He has recently developed a knowledge area with the trademarked name the Internet of Evidence™, [<http://InternetOfEvidence.com/>] a term he uses to refer to the vast and ever growing array of sensors and data recorders that can be used by the legal community to determine time lines, identities and intentions of actors, accuracy of alibis, external and environmental conditions, and who knew what and when they knew it. He delivered a Webinar for CLE credit on this topic on April 24 of 2014 under the auspices of Technical Advisory Services for Attorneys [TASA]. The webinar was attended by 132 attorneys nationwide.

The following year, 2015, Mr. Norris presented a similar webinar for CLE credits titled The Internet of Things Thieves - What Data Security Lawsuits In the Very Near Future Will Look Like!

Mr. Norris has worked as an expert witness in several modes, including depositions, testimony in court, and preparation of expert witness reports and strategy documents.

Due to confidentiality rules and stipulations, many are not able to be shared. Sharable information is shown below.

## **EXPERT WITNESS CASES**

SOME CASES ARE LISTED UNDER MULTIPLE HEADINGS FOR EASE OF ACCESS:

### **Animations and Simulations**

- People of the State of California vs Creech, Los Angeles County Superior Court - Analysis of prosecution's use of animations

### **Appraisals and Valuations**

- People of the State of California vs Nikolov, Los Angeles County Superior Court
- Live Face on Web vs Integrity -- US District Court, Denver, Colorado -- For Defendant's Counsel
- Live Face On Web vs Moreno et al, ongoing - for Defendant's Counsel
- Live Face on Web vs Integrity Systems, ongoing, for Defendant's Counsel
- Live Face on Web vs Puerto del Sol Condominiums, for Defendant's Counsel
- Naroditskiy vs Eon Reality, ongoing - for Defendant's Counsel
- People of the State of California vs Georgi Nikolov, for Defendant's Counsel



- Mitchell and Manhattan Software vs Jean Kasem, Little Miss Liberty, et al, - Superior Court of Los Angeles County, CA – case settled - for Plaintiff's Counsel
- Felix v Ramirez – Superior Court of Los Angeles County, CA – defendant prevailed on all counts, won counter-suit - for Defendant's Counsel
- Clark-Martin vs Yahoo US District Court – negotiated settlement - for Defendant's Counsel
- Microsoft vs Richter, OptInRealBig, et al – US District Court, Seattle, damages – defendant plead guilty to reduced charges - for Defendant's Counsel
- Young vs GFOS, Inc., San Diego Superior Court, case settled - for Plaintiff's Counsel
- Feltman v Otalvaro, et al - for Plaintiff's counsel – case settled – US Bankruptcy Court, Southern Florida
- Multiple others, cases sealed

### **Forensic Analyses of Electronic Media**

- People vs Frazier, Los Angeles County Court, for Defense Counsel
- Live Face On Web vs Five Boro Mold et al - Superior Court of the State of New York - Case settled - for Plaintiff's Council
- Microsoft Corporation vs Commissioner of Internal Revenue - Victory by Defendant [IRS], US Tax Court, Seattle, WA and Washington, DC. [Court testimony; 7 hours; direct, cross, redirect, recross] - for Defendant's Counsel
- Weininger vs Weininger – online slander and reputation management - case settled
- Multiple cases in progress involving metadata, email authentication, spoofing, and damage to electronic media
- Riffle vs Hyde & Hyde, Northern California – case settled - for Plaintiff's Counsel
- People of the State of Wyoming vs Robinson – POS system tampering - guilty verdict - for Defendant's Counsel
- People of the State of California vs Threlkeld – Riverside County Superior Court forensic recovery from cell phones and hard drives – Defendant convicted and sentenced
- People of the State of California vs Keith Johnson – analysis of potentially available forensic records from multiple sensors in a child molestation case – Not Guilty Verdict – Shasta County, CA Superior Court [Court testimony; 2 hours; direct, cross, redirect] - for Defendant's Counsel
- Paccione vs Albert – Analysis of text message records in a criminal contempt of court hearing as part of a divorce proceeding – charges dropped – Los Angeles county Superior Court [Court testimony; 1 hour; direct, cross, redirect] - for Defendant's Counsel
- Offshore Supply Systems, LLC vs CS Industries, Inc. - Superior Court of Orange County, CA - case settled - for Defendant's Counsel

- Marriage of Jensen – Los Angeles County Superior Court - analysis of email records for evidence of tampering.

### **Software Intellectual Property**

- Microsoft Corporation vs Commissioner of Internal Revenue - Victory by Defendant [IRS], US Tax Court, Seattle, WA and Washington, DC. [Court testimony; 7 hours; direct, cross, redirect, recross] - for Defendant's Counsel

### **Patentability of Software**

- In re Mitchell, Los Angeles US District Court – advisory to Court

### **Technology Infringement**

- Dolby Digital v General Satellite Research & Development, Ltd., San Francisco Federal District Court, for Defendant's Counsel
- Interlam vs Modular Arts, US District Court, Western District, Washington State, Seattle, WA, case settled [Deposition] - for Plaintiff's Counsel
- Young vs GFOS, Inc., San Diego Superior Court, case settled - for Plaintiff's Counsel

### **Patent Infringement Cases**

- Jordan Spencer Jacobs v. Microsoft Corporation, Logitech, Inc., Pelican Accessories, and Analog Devices, Inc. - case settled, US District Court, Central Florida [Deposition] - for Plaintiff's Counsel
- Sequent Technologies vs Insight Video Net - US District Court, Los Angeles, CA - case settled - for Plaintiff's Counsel
- VOS Systems, Inc. vs Voice Signal Technology, Inc. – US District Court, San Diego, CA – case settled - for Plaintiff's Counsel
- Microsoft vs Comptek Plus, US District Court, Los Angeles, CA – case settled – for Defendant's Counsel
- Other cases settled under seal

### **Software and Hardware Quality and Performance Cases**

- Allen & Schack vs Worldwide Environmental Products - settled, Superior Court of Ventura County, CA [Deposition] - for Plaintiff's Counsel

### **Software Copyright Infringement Cases**

- Mitchell and Manhattan Software vs Jean Kasem, Little Miss Liberty, et al, – Superior Court of Los Angeles County, CA – case settled prior to trial - for Plaintiff's Counsel
- Other cases settled under seal, US District Court, Honolulu, Hawaii

- Live Face on Web, Inc. vs Moreno et al, ongoing, for Defendant's Counsel

### **Software Piracy**

- People vs Joan Huang, US District Court, Los Angeles, CA – defendant plead guilty to a reduced charge - for Defendant's Counsel

### **Software System Operational Integrity**

- People vs Mraz, Superior Court of Sheridan, WY – defendant convicted - for Defendant's Counsel

### **Software Licensing**

- qad vs Ingersoll Rand – Los Angeles US District Court – case settled - for Plaintiff's Council

### **Misappropriation of Trade Secrets**

- Entertainment Printing Enterprises, Inc. vs CreativeMob, TicktBox, et al – Superior Court of Los Angeles County, CA – case settled prior to trial - for Plaintiff's Council
- Mitchell and Manhattan Software vs Jean Kasem, Little Miss Liberty, et al, – Superior Court of Los Angeles County, CA – case settled prior to trial - for Plaintiff's Council
- Lynch Communications, Inc. v Irish Communications, Inc, David O'Keefe, et al. – Superior Court of Riverside, CA - case dropped - for Plaintiff's Council

### **Software Industry Appropriate Compensation**

- Feltman vs Otalvaro, et al – case settled – US Bankruptcy Court, Southern Florida – for Plaintiff's Council
- Smith, Dodson, Steele, Port, et al vs Kaiser Permanente [class action], US District Court, Northern California, case settled - for Plaintiff's Council
- Tan vs CSAA [class action], US District Court, Northern California, case settled - for Plaintiff's Council
- Langille vs EMC [class action], US District Court, Northern California, case settled – for Plaintiff's Council
- Delmare vs Sungard [class action], US District Court, Northern California, case settled - for Plaintiff's Council
- Apple vs Walsh [class action], US District Court, Northern California, case settled - for Plaintiff's Council
- Williams et al vs Lockheed Martin, US District Court, Southern California, case settled [Deposition] - for Plaintiff's Council

## **Software Security Industry Best Practices**

- Doe vs Corona Norco Unified School District, Riverside County, CA Superior Court – For Plaintiff’s Counsel

## **Fiduciary Duties of Corporate Officers**

- Lynch Communications, Inc. v Irish Communications, Inc, David O’Keefe, et al. – Superior Court of Riverside, CA - case dropped - for Plaintiff’s Council
- Other cases settled under seal

## **Illegal Use of Business Name in HTML Metatags for SEO**

- Life Alert Emergency Response, Inc. vs ConsumerAffairs.com, Inc. – Los Angeles County Superior Court - case settled - for Plaintiff’s Council

## **Software Contract Performance**

- Alliance Manufacturing Software, Inc. vs Typhoon Software, Inc. – Santa Barbara Superior Court – [Deposition] - Judgement for Plaintiff - for Defendant’s Council
- Wilmar Group vs Mastech Systems Corp. – Court of Common Pleas – Allegheny County, PA – case settled - for Plaintiff’s Council

## **Genealogy of Software Source Code to Determine Branching**

- Norton vs Norton, Los Angeles Family Court – case settled - for Defendant’s Council

## **Professional Conduct Among Scientists – Defamation**

- Watts vs Synolakis – US District Court - Juneau, Alaska - case settled - for Defendant’s Council

## **Evaluation of Private Pilot Dangerous Conduct**

- Lima vs Foster, Los Angeles Family Court – case settled

## **Airline Liability**

- Case sealed

## **Building Lighting Liability**

- Gordon vs Pacific Properties – Santa Barbara, CA – case settled - for Plaintiff’s Council

## **Aerial Law Enforcement**

- People of the State of California vs Stevenson, Santa Barbara County Superior Court – reduced misdemeanor sentence [Court testimony; 1 hour; direct, cross] - for Defendant's Council

## **SUMMARY OF EXPERT WITNESS AREAS**

- Computer software development issues, practices, responsibilities, financing, responsibility, defects, failure analysis, and valuation
- Patent, Copyright, and Trade Secret issues, including infringement and misappropriation, including audits of computer source code
- Outsourcing, including domestic and international
- General physics, dynamics, engineering, technology, and mechanics
- Software industry appropriate compensation
- Engineering and software industry standards and contract performance, including industry best practices Management practices in engineering, science, research & development,
- and technology
- General aviation aircraft operations [FAA rated Airline Transport Pilot, former Flight Instructor, Ground Instructor, and Parachute Rigger]
- Fiduciary duties of corporate officers
- Hazardous materials, oil spills, radiological and industrial safety