

Richard Fincher

Testimony Experience

Engineering and software expert witness specializing in semiconductor manufacturing, embedded systems, and industrial automation. Over 40 years of engineering and management experience including Director-level roles in global technical firms. Testifying and consulting expert in U.S. District Courts, International Arbitration, and PRC litigation, with experience in patent, copyright, and trade-secret matters. Two deposition, trial testimony in Federal Court.

2024–2025 – Expert witness in confidential arbitration between two Fortune 100 technology manufacturing firms. Delivered expert and rebuttal reports addressing ASIC cost modeling, yield forecasting, and gross die-per-wafer (GDW) analysis in the context of advanced-node semiconductor manufacturing. Also served as a consulting expert to two legal firms, supporting technical argument development and the integration of analysis across three testifying experts. JAMS arbitration (California), matter resolved by settlement and dismissal in 2025. (*Expert Reports*)

2023–present – Expert witness engagement for the plaintiff in a confidential federal software copyright and trade secret misappropriation case involving competing advanced process control (APC) platforms. Engagement included analysis of literal and non-literal source code copying, misappropriation of software architecture and user interface elements, and evaluation of license and nondisclosure agreement compliance. Applied Abstraction–Filtration–Comparison (AFC) methodology to assess software similarity. Delivered Expert and Rebuttal Reports (2024), provided deposition testimony (2024), and trial support is pending (2026). (*Expert and Rebuttal Reports; Deposition Testimony*)

2022–2023 – Testifying expert for Samsung Electronics in multi-district patent litigation against Netlist, Inc. (D. Del. 21-1453; E.D. Tex. 21-463, 22-293; N.D. Cal. 09-5718), retained by Covington & Burling LLP and Fish & Richardson.

Analyzed eleven asserted patents relating to DDR4/DDR5 memory modules, RDIMM/LRDIMM architecture, rank multiplication, and buffer control, referencing JEDEC standards and internal Samsung architectures. Delivered claim construction input, invalidity and non-infringement analyses, and prior art mapping aligned with JEDEC standards and Samsung product design. Designated in multiple jurisdictions; matter resolved before expert testimony was required.

2022–2024 – Expert witness retained by the law firm of DaHui Lawyers on behalf of the defendant (Panasonic Industry (China) Co., Ltd.) in the matter ZF Automotive Systems (Shanghai) Co., Ltd. v. Panasonic Industry (China) Co., Ltd., PRC Shanghai Pudong New Area People’s Court (Case No. (2021) Hu 0115 Min Chu 106631). Served as foreign expert before a three-judge panel under PRC civil procedure. Submitted technical expert opinion to the panel. Evaluated the root cause of automotive electronic component failures based on customer manufacturing data and Panasonic production process controls. *(Expert and Rebuttal Reports)*

2021–2022 – Testifying expert for the defense in a semiconductor patent litigation involving seven asserted U.S. patents spanning wafer-stage mechanics, process automation, lithography control, and manufacturing software systems. Retained by Cole Schotz P.C. on behalf of Huawei in Ocean Semiconductor LLC v. Huawei Device USA, Inc., et al., U.S. District Court, E.D. Texas (Case No. 4:20-cv-991), a §271(g) case involving alleged infringement based on foreign semiconductor manufacturing processes. Delivered detailed invalidity reports under §§102, 103, and 112, assessing anticipation, obviousness, lack of written description, enablement, and indefiniteness. Analysis drew on extensive prior experience in semiconductor fab operations, tooling, metrology integration, and process control systems. Designated to testify at trial. *(Expert Reports)*

2019–2022 – Expert witness engagement for an international electronics and semiconductor manufacturing client, Panasonic Industrial Devices, located in Fukui-shi, Fukui, Japan. TRW Automotive US LLC and TRW Vehicle Safety Systems Inc vs. Panasonic Industrial Devices Sales Company of America, State of Michigan Oakland County Circuit Court, 2019–173549-CB (Law firm: Foley & Lardner LLP, Detroit, Michigan). United States litigation reached settlement following submission of expert and rebuttal reports (250 pages plus 9,000 pages of exhibits). A related European matter was also resolved by settlement based on the U.S. litigation outcome. Scope of work included extensive data analysis of both component manufacturing data and customer manufacturing records, as well as physical testing of components through accelerated life testing and specification validation. This testing was enabled through the creation of a specialized electronics laboratory in a controlled engineering workspace, incorporating the design and fabrication of purpose-built test fixtures and instrumentation. *(Expert and Rebutal Reports, Deposition Support)*

2020–2022 – Expert Witness, Workplace Technologies Research, Inc. v. Project Management Institute, Inc. U.S. District Court, Southern District of California (Case No. 3:18-CV-01927-JM-MSB). Retained by Venable LLP as testifying expert in litigation concerning the development, functionality, and commercial viability of virtual simulation training software in the project management industry. Assessed system design, user experience, and the intended purpose of using immersive simulations to improve decision-making and accelerate professional skill development. Evaluated software engineering quality, Agile methodology, scalability, and alignment with PMBOK standards. Delivered expert report (2020), deposition testimony (2021), and trial support through 2022. *(Expert and Rebuttal Reports; Deposition Testimony)*

2018–2019 – Testifying expert in Federal Court on behalf of Flow International Corporation in Ruiz Fajardo Ingenieros Asociados S.A.S. v. Flow International Corp., U.S. District Court, Western District of Washington (Seattle). Retained by DLA Piper LLP as an expert in international business and manufacturing

systems. Provided litigation consulting throughout discovery, deposition, and trial phases, including on-site support during the deposition of the opposing expert and at trial proceedings at the request of counsel. Prepared two detailed expert reports addressing the design, installation, and operation of an industrial waterjet cutting system. Assessed compliance with equipment specifications, training protocols, maintenance standards, and warranty terms. Rebutted plaintiff expert opinions concerning product performance, service adequacy, and alleged deficiencies. Testified at trial in Federal Court. (*Expert and Rebuttal Reports; Deposition Support; Trial Testimony*)

Professional Experience

I serve as Founder and Principal Consultant of Richard Fincher Consulting LLC, providing expert witness, engineering, and management consulting services to clients in the semiconductor, electronics, and software industries.

- Richard Fincher Consulting LLC – Founder, 2015-present.
 - Consulting and Expert Witness services.
- ION INSTRUMENTS – Founder, 2018–2019
 - Process Control with Mass Spectroscopy Instrumentation.
- PULSE ELECTRONICS – Director of Global Engineering, 2013–2015
 - A \$400M electronics firm in magnetics, antennas and connectors serving LAN, telecom, and automotive markets.
- SCALED POWER GENERATION TECHNOLOGIES – Founder, CTO, VP Engineering 2012–2013
 - A vertical wind turbine startup firm creating small to mid-size wind generators for commercial applications.
- KNORR-BREMSE, NYAB-TDS – Director of Engineering, General Manager, 2009–2012
 - Knorr-Bremse at \$5.4B is the leading worldwide supplier of braking and rail simulators.
- STMICROELECTRONICS – Senior Engineering Manager, 1994–2009

- STM is the world's 5th largest semiconductor manufacturer with over \$12 billion in revenues.
- SCHLUMBERGER GECO-PRAKLA – Software Engineer, 1991–1994
 - The world's leading oilfield services provider, seismic exploration systems.
- BRANDT ENGINEERING – Division Manager, 1982–1991
 - A major commercial design/build mechanical contractor supplying building automation systems.

Prior to the above I held positions as a precision machinist, millwright, automotive and industrial mechanic, robotic technician, electronics technician, and laboratory equipment technician.

Professional Memberships

IEEE – Institute of Electrical and Electronics Engineers (No.03626926)

PMI – Project Management Institute (No.2368947)

ISA – International Society of Automation (No.4069029)

Certifications

PMP - Project Management Professional Certification (No.1528442)

LSSMBB - Lean/Six Sigma Black Belt & Master Black Belt Certifications
(No.VIL101590, VILC116621)