DisputeSoft
Software Dispute Experts

Tom Ashley

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Tom Ashley has over eleven years' experience in the IT profession, both in government and the private sector. Tom's expertise has been applied in a wide range of software-related matters, including copyright and patent infringement, trade secret misappropriation, and system implementation failure. In preparing expert reports, Tom has forensically analyzed project schedule delay, tested software performance, installed and tested prior art hardware and software, and conducted comparisons of program source code and user interfaces to determine whether copying has occurred.

Since joining DisputeSoft, Tom has acquired significant experience with software project failure cases. Tom has conducted in-depth investigations of various issues of fact in software failure disputes, including requirements elaboration, requirements traceability, test planning and execution, defect remediation, and project planning and scheduling. In conducting these investigations, Tom has applied analytical methods widely accepted in the IT industry. These include the review of testing systems such as HP Quality Center, JIRA, and Team Foundation Server ("TFS"), analysis of defect open/close rates, application of Critical Path Method ("CPM"), and investigations of the use of project management methodologies such as Waterfall and Agile.

Additionally, Tom supports patent litigation by conducting in-depth source code review relating to patent infringement and non-infringement claims. Examples of such investigations include the examination and analysis of source code for telecommunications software, video compression tools, and graphical user interfaces ("GUIs") for Smartphones. Tom has also assisted attorneys in the selection and installation of "prior art" systems to challenge the validity of asserted patents. In performing such work, Tom has reconstructed highly complex, vintage hardware to demonstrate the presence of relevant functionality.

Similarly, Tom has investigated factual issues in disputes relating to software copyrights and trademark infringement. These investigations have included the review and comparison of source code and graphical user interfaces. Tom has also conducted in-depth investigations of online trademark infringement, involving extensive research of domain name registrations, HTML metadata analysis, and web traffic data.

Before joining DisputeSoft, Tom earned a JD from the American University Washington College of Law while working full-time at the NIH's Center for Information Technology. After graduating from law school, Tom interned at an immigration defense law firm where he researched and drafted appellate briefs in cases before the Board of Immigration Appeals and the United States Court of Appeals for the Sixth Circuit. Prior to attending law school, Tom received a B.A. in Computer Science, *cum laude*, from Carleton College. He holds a Project Management Professional (PMP®) certification from the Project Management Institute, and a Professional Scrum Master I (PSM I®) certification from Scrum.org™.

CERTIFICATIONS

Project Management Professional (PMP®)

Professional Scrum Master I (PSM I®)

EDUCATION

J.D., American University Washington College of Law

B.A., Carleton College

PREVIOUS CASES

The Studer Group LLC v. The Cleveland Clinic Foundation

Mary Rutan Hospital v. NextGen Healthcare

Liberian International Ship & Corporate Registry, LCC v. Applied Information Sciences, Inc.

California SCO v. SAP

Certification Trendz v. Ning Zhou, et al

MillerCoors v. HCLA

Infosys v. TTI