



## Brendan McParland

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At DisputeSoft, Brendan has acquired over six years of experience in consulting with clients involved in software-related intellectual property disputes, including issues pertaining to claims of patent infringement and invalidity, copyright infringement, trademark infringement, trade secret misappropriation, and misappropriation of confidential information. In patent-related matters, Brendan has reviewed patents' prosecution histories, conducted prior-art research to establish the validity or invalidity of patents at issue, assisted in drafting claim constructions and claim charts, and drafted declarations, initial expert reports and rebuttal reports concerning validity and non-infringement. In matters involving copyright disputes, Brendan has examined copyright registrations to determine their validity, conducted comparisons of both literal and non-literal components of software source code and graphical user interfaces to determine whether they are substantially similar, identified inconsistencies between the scope of a plaintiff's claim and the scope of protection afforded by the plaintiff's copyright registration, and drafted initial expert reports and rebuttal reports concerning whether protectable, expressive content had in fact been copied. In trade-secret matters, Brendan has not only conducted extensive prior-art research to determine whether alleged trade secrets had entered the public domain, he has also conducted detailed comparison analyses to determine whether valid trade secrets had been misappropriated and researched and reported on issues concerning proper "clean room" design and reverse-engineering protocols.

In addition to his extensive intellectual property experience, Brendan has assisted clients in dozens of matters involving failed software system implementations. Brendan's practice has focused particularly on ERP software solutions for both federal and state governments, as well as solutions tailored for such industries as real estate, retail, health care, energy and telephony. In matters involving claims of breach of contract and breach of warranty, Brendan has analyzed a wide variety of issues, including whether implementers adhered to industry-standard project management and software engineering practices, whether delivered systems met all functional requirements and architectural specifications, and whether as-built systems were actually capable of supporting the business operations for which they were acquired. In examining such issues, Brendan has frequently conducted analyses of defect logs and defect remediation efforts, testing plans and reports, change requests, and requirements traceability indices. Brendan has also conducted in-depth percent-complete and schedule delay analyses to determine the extent to which delays in implementing a solution were attributable to a particular party.

Brendan has played a key role in preparing affidavits, declarations and expert reports for cases before federal district courts, the United States Court of Federal Claims, and international tribunals such as the International Trade Commission. Brendan also serves as General Counsel of DisputeSoft.

Before joining DisputeSoft, Brendan spent over seven years developing a diverse legal practice encompassing both corporate transactional matters and commercial litigation. Brendan was an associate with Am Law 100 law firms handling matters involving corporate mergers and acquisitions, investment management, and complex commercial litigation. Brendan's responsibilities included advising the heads of Fortune 100 and Global Fortune 500 financial management and advisory companies on fiduciary matters, assisting mutual fund complexes in structuring investment transactions, and preparing legal memoranda and motions for litigation and arbitration.

### EDUCATION

J.D., University of Virginia School of Law  
A.B., Princeton University

### PREVIOUS CASES

BearingPoint v. United States  
InDyne, Inc. v. Abacus Technology Corp.  
Certification Trendz v. Zhou, et al.  
Apple v. HTC  
Frontline Placement Technologies, Inc. v. CRS, Inc.  
General Electric v. Mitsubishi Heavy Industries

The Studer Group LLC v. The Cleveland Clinic Foundation  
Geologic Computer Systems, Inc. v. John D. Maclean, et al  
Mary Rutan Hospital v. NextGen Healthcare  
Douglas James Weihnacht v. WestEd  
Sam's West, Inc. v. Nicole Aloni