



## Tom Ashley

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Tom Ashley has over seven years' experience in the IT profession, both in government and the private sector. Tom assists in preparing expert reports regarding 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, 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 and traceability, test planning and execution, defect remediation, and project planning and scheduling. In conducting these investigations, Tom applied analytical methods widely accepted in the IT industry. These include the review of testing systems such as HP Quality Center, analysis of defect open/close rates, application of Critical Path Method (CPM), and the use of project management methodologies such as Waterfall and Agile.

Tom also investigates factual issues in disputes relating to software copyrights and patents, and trademark infringement. These investigations have included the review and comparison of source code and graphical user interfaces (GUIs). 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 Certified Associate in Project Management (CAPM®) certification from the Project Management Institute.

Below are representative examples of Tom's skills and experience:

In a software failure case involving a failed public sector payroll system implementation, Tom conducted extensive research on issues pertaining to defect resolution and stabilization. This investigation involved the detailed review of contractual provisions, business requirements documents, software testing data, and defect reports. Tom also conducted an in-depth investigation of the planning and execution of testing on the project, including integration and performance testing, and a detailed analysis of payroll parallel testing.

In an online trademark infringement investigation, Tom's work included the research of dozens of domain names and IP addresses to identify infringing entities. Tom's analysis included the detailed review of HTML source code on infringing websites to establish the existence of "rings" of trademark infringers. Furthermore, Tom conducted extensive archival research of dozens of defendant websites to determine the extent of historical trademark infringement.

In a software failure dispute between United States Cellular Corporation and Amdocs Software Systems, Tom conducted a forensic schedule delay analysis to quantitatively determine the extent of project delay and to apportion responsibility for the delay between the parties. This analysis included the extensive review of project plans and status reports to determine the "as planned" and "as built" critical paths, and the compilation of an activity level variance model to quantify the extent of delay.

### CERTIFICATIONS

Certified Associate in Project Management (CAPM),  
Project Management Institute

### 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  
Sam's West, Inc. v. Nicole Aloni