

Carl F. Melito

Registered Patent Attorney

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Education

JD LAW

University of Iowa

Member: Law Review (Note: Software Copyright Protection Since *Feist*; Comment: Extent PTO Guidelines Effect Software Patentability, *In re Grams* and *In re Iwahashi*)

Participant: Van Oosterhout Memorial Moot Court Competition

Legal Clinic: Summer 1992.

Research Assistant: Professor Alan I. Widiss (June 1992 to May 1993)

Intellectual Property Courses Taken: Entertainment Law, Copyrights, Antitrust, Licensing, Patent and Trade Secret Law, Patent Practice and Procedure.

Graduation Date: August 6, 1993.

Licensed to practice law in the State of Texas since May 1994

Registered United States Patent Attorney

Co-Author, Comprehensive Guide To U.S. And International Trademarks

Admitted to practice in the Federal District Courts in the Northern, Southern and Eastern Districts of Texas

Attended the 2010 Chartered Institute of Patent Attorneys (CIPA) Congress in London

Attended the 2010 42nd Congress of the International Association for the Protection of Intellectual Property (AIPPI) in Paris

Attended the 2012 European Intellectual Property Forum in Brussels

MBA FINANCE

University of Denver

Graduation Date: August 1983.

BS COMPUTER SCIENCE

University of Denver

Courses which met Patent Bar requirements: Engineering Physics I & II, Electrical Circuits, Logic Circuits, Electrical Network Analysis, Electronic Devices, Computer Programming in C/C++, Computer Programming I & II (Pascal/Fortran), Data Processing with Cobol, Software Design Techniques, Assembler Language Programming, Programming Languages, Data Structures.

Graduation Date: May 1983.

HONORS, ACTIVITIES & PAST MEMBERSHIPS

- **Prepared two affidavits and gave in Court testimony as an expert witness in Australian Federal Court in the 2011 software copyright infringement trial held in Sydney between CA, Inc. v. Independent Systems Integrators**
 - **Member, International Association for the Protection of Intellectual Property (AIPPI)**
 - **Member, Institute of Electrical and Electronics Engineers (IEEE);**
 - **Member, American Bar Association;**
 - **Member, Toastmasters International;**
 - **Member, Cullinet/Computer Associates User's Association;**
 - **DU Honors Program Scholarship, Honors Curriculum, Coordinated Humanities Sequence Integrated Studies Program;**
 - **Member, Association of Computing Machinery (ACM) DU Student Chapter; Pi Mu Epsilon Mathematics Honorary; Alpha Lambda Delta National Honors Fraternity; Received BS degree CumLaude.**
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EXPERIENCE

REGISTERED U. S. PATENT ATTORNEY

In private practice since May, 1994, Dallas, Texas

Main Practice Areas: Patents

○ **Searches & Prosecution**

- Domestic U.S. patent applications (utility and design)
- International (PCT) applications
- PCT National Stage in foreign jurisdictions
- Paris Convention applications (non-PCT)

○ **Appeals and Post-Grant Proceedings**

- Patent appeals before the PTAB
- Ex-parte reexamination proceedings
- Reissue proceedings

○ **New AIA Proceedings**

- Inter partes review (IPR)
- Post-grant review (Oppositions)
- Supplemental Examination

○ **Opinions**

- Patentability opinions
- Invalidity opinions
- Infringement and freedom-to-operate opinions
- Litigation counseling and support services.

Trademarks

○ **Searches & Prosecution**

- U.S. filings
- International filings (National & Madrid Protocol)

INDEPENDENT DATABASE CONSULTANT

MELITO INC

From July 2009 – present.

Summary: A seasoned z/OS & Unix Systems Programmer & DBA with over 25 years of progressive mainframe, Client Server, and desktop systems, database and application experience. Related experience in application development in Assembler, Cobol, ADS/O, Culprit SQL, and software engineering encompassing all SDLC phases surrounding database administration, system analysis and design, software design, implementation, integration, conversion, system/unit/QA testing, support and documentation for online and batch systems. Environments include CA-IDMS, DB2 on z/Series OS and AIX/UNIX with Oracle. Have performed hundreds of software upgrades; performance tuning and level II technical support. Performance of related technical studies, requirements gathering, logical and physical data modeling. Design and modification of database structures, system catalog, and data dictionary. Definition of users, resources to security systems; monitor/control of resource usage and user access.

From 2008 - 2011

Expert Witness

Sydney, Australia

Prepared two affidavits (over 100 pages A4 containing the results of 100s of Assemblies of IBM Macro Assembler Code of CA database systems software and gave in Court testimony as an expert witness in Australian Federal Court in the 2011 software copyright infringement trial held in Sydney between CA, Inc. v. Independent Systems Integrators

From May 2006 - June 2006.

Independent Database Consultant

Penn Mutual, Horsham, PA

Responsibilities: IDMS Systems Administration, Maintenance and 24/7 support for CA IDMS R16.x and third party vendor products. Providing backup and recovery procedures to minimize data loss and maximize database availability. Verification of ZOS Upgrade compatibility.

Monitoring, Tailoring, Performance & Tuning, Maintaining, & Upgrading database software to meet business needs when required.

Upgraded CA-TOOLS & CA-IDMS Rel. 14.1 to 16.0 SP3 and documented a procedural upgrade plan to get the release into production.

From March 2006 – May 2006.

Independent Database Consultant

AIG, Livingston, NJ

Responsibilities: Supported corporate systems programming group in the application of frequent maintenance to DB2 under z/OS, monitored and documented CA-IDMS production systems, performed testing of cloned LPARS at offsite disaster recovery data center.

From July 2005 – October 2005.

Independent Database Consultant

Fisher Scientific, Pittsburgh, PA

Responsibilities: Performed Database Administration tasks for a major new release, down to adding the elements with comments and some data modeling; Applications Programming and testing for CA-IDMS Rel. 16.x on the mainframe and Oracle 9i on a Sun Solaris network. Worked a little bit with ERWIN. Prepared a Data Base Network diagram for distribution throughout IT for the software release enhancement. Worked with Oracle Enterprise Manager (OEM), SQL Navigator and the SQL Option, TCP/IP, JDBC and Quick Bridge CA-IDMS products on the mainframe.

From March 1995 – March 2005.

Independent Database Consultant

Responsibilities: Perform Systems Programming, Database Administration, Applications Programming and Project Management for CA-IDMS, Oracle, DB2, CA-Datacom/DB and ADABAS accounts in MVS/ESA/OS/390/z/OS and AIX/UNIX environments under all major security systems (i.e. CA-ACF2, RACF, TOP SECRET). Have installed/upgraded over 100 IDMS systems, including security, to new releases using SMP/E. Have extensive experience with logical and physical database design (normalization) and have developed database applications, user exits and reports using Cobol, CA-ADS/O, Assembler and CA-Culprit. Have worked on various DB2 conversion projects converting NATURAL programs to COBOL, for example.

Received Oracle Corporation's DBA Masters Certification.

Recent IBM Courses Taken: DB2 Family Fundamentals; DB2 for OS/390 Database Administration (included coverage of stored procedures); DB2 for OS/390 System Administration; SMPE Fundamentals; DB2 for OS/390 System Recovery.

Recent CA Courses Taken: IDMS Internals; IDMS Performance & Tuning; IDMS Buffer Internals & Tuning; IDMS Web Access via TCP/IP; Datacom/DB Performance & Tuning; Various Platinum Oracle/UDB/DB2 Utilities Courses.

Reference Accounts include:

Fidelity Investments Corporation Las Colinas, Texas

- **Performed 24 x 7 IDMS DBA support functions including unload/reloads of 55 Customer Accounts databases, disaster recovery, applying database changes to support development utilizing most all IDMS utilities;**

Greyhound Corporation Dallas, Texas

- **Converted all Fast Dump Restore JCL to DFDSS, maintained COBOL and ADS/O code and performed routine DBA functions;**

USA Group Indianapolis, Indiana

- **Unloaded/Reloaded mega IDMS segmented databases, performed routine DBA functions for 24 x 7 on call support and database changes;**

Central and Southwest Services Dallas, Texas

- **Installed and upgraded several IDMS CV's using SMP/E, including all interfaces to Tact Software, CICS, DB2 and mainframe Oracle, applied APARS as needed;**

Origin Technology Dallas, Texas

- **Upgraded several IDMS CVs and supported an IDMS CAS Manufacturing Conversion to the latest release level;**

Dana Corporation Ft. Wayne, Indiana

- **Principal Oracle DBA, converted all 6 byte IDMS CAS Manufacturing dates to 8 bytes for Y2K compliance using IDMS Restructure and Unlo/Relo utilities, corrected errant COBOL application code which was filling up database areas, trained new Oracle DBA;**

GE Capital Corporation Stamford, Connecticut

- **Upgraded over 70 IDMS CV's for Y2K compliance, including security. Worked with applications people and IBM Global Services (Alpharetta, GA) to migrate data across mainframes using DFDSS;**

Harvard University Cambridge, Massachusetts

- **Upgraded entire Test/QA/Production IDMS environment to IDMS Release 14.1, and helped upgrade Payroll application for IBM's Language Environment with application staff. This was OS/390 under VM using Panvalet as editor.**

Texas Guaranteed Student Loan Corporation Austin, Texas

- **Converted several Natural/Adabas batch programs to Cobol/IDMS and updated/tested various batch Cobol programs according to new release Specifications. Wrote Culprit programs to retrieve complex test cases for QA. Remotely upgrade 3 IDMS CV's from IDMS Release 10.0 to 14.1, including Security, for Y2K.**

SENIOR DATABASE ADMINISTRATOR

**GTE Directories Corp., D/FW Airport, Texas
From April 1989 to May 1991.**

Responsibilities: Performed Project Management functions within the DBA group and attended various Systems Project Management Courses such as the McDonnell Douglas STRADIS Systems Development Methodology course.

Performed capacity management, emergency database conversions and consulting support for DBA staff. Provided second-level critical support for various Integrated Database Management System (IDMS) Production Systems on a 24-hour on-call basis.

Represented GTE at Computer Associate's User Conventions (1989 Atlanta; 1990 Washington, D.C.).

SYSTEMS PROGRAMMER

**Electronic Data Systems Corporation, Plano, Texas
From February 1985 to April 1989.**

Responsibilities: Performed Technical Project Leader and Administrative functions such as leading weekly teleconferences with Project Managers and Systems DBA's throughout EDS and was principal author of the IDMS Planning Guide.

Performed Corporate Software Systems Maintenance, Quality Assurance Testing, Distribution, and Consulting Support for the Cullinet Software, Inc. IDMS/R product line installed in MVS/XA/ESA environments at EDS data centers worldwide.

Gave technical presentations on Corporate Software functions and IDMS/R product capabilities for various groups within EDS. Performed consulting activities for the ADABAS and DATACOM DBMS software products.

Represented EDS at Cullinet Software User's Convention (1988 St. Louis). Received Systems Programmer Development Phase II Certification.

ACCOUNT REPRESENTATIVE

Software AG Systems, Inc., Lakewood, Colorado
From June 1984 to Jan. 1985.

Responsibilities: Performed technical and management presentations for the sale of ADABAS, NATURAL, COMPLETE, and associated products. Ensured an adequate level of service and new product awareness at existing accounts.

TECHNICAL REPRESENTATIVE

Software AG Systems, Inc., Lakewood, Colorado
From July 1981 to January 1983.

Responsibilities: Performed customer support activities which comprised the resolution of Customer Request Logs for ADABAS, NATURAL, ADAMINT, and ADASCRIP in MVS and DOS environments.

CUSTOMER SUPPORT REPRESENTATIVE

Applied Data Research, Inc., Dallas, Texas
From October 1983 to April 1984.

Responsibilities: Performed installation and training for the DATACOM/DB product line.

REFERENCES

Available upon request.