

Theo Mandel, PhD

Expert Witness Experience

Theo Mandel, PhD

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Professional Background

Mandel provides expert witness consulting on software user interface design, including intellectual property, patents, and trademarks regarding methodologies and interface techniques for software applications and mobile apps from the 1980's to the present.

Dr. Mandel has over 40 years of experience in software design and development, specializing in user experience design, user research, consumer psychology, prototyping and evaluation of software, applications, websites, and mobile apps.

Mandel earned M.A. and Ph.D. degrees in Cognitive Psychology, conducting research in human cognition and perception. This academic field is the psychological underpinning for all software user interface and usability methodologies, skills and techniques.

Dr. Mandel had an 11-year career in IBM and was a member of the leading-edge Common User Access (CUA) User Interface Architecture group. This team designed and prototyped IBM's OS/2 user interface. As a member of the IBM CUA team, he researched, designed, prototyped, published and patented Graphical User Interface (GUI) and object-oriented user interface (OOUI) technology. The team wrote industry-leading guidelines for Windows and OS/2 operating systems and application design.

After an 11-year IBM career, Mandel has 30 years' experience as a well-respected user interface design and usability consultant across a wide range of industries: healthcare, medical, finance, insurance, e-commerce, payments processing, and education. Clients include PayPal (world's largest trusted payment processing company), Pearson Education (world's largest education company) and UnitedHealth.

Theo is the author of two books, "The Elements of User Interface Design" (John Wiley & Sons, 1997) and "The GUI-OOUI War: The Designer's Guide to Human-Computer Interfaces" (John Wiley & Sons, 1994). These books cover the historical background of Graphical User Interfaces (GUIs) and Object-Oriented User Interfaces (OOUIs).

Expert Witness Activity Summary

- Total Cases: 8
- Trial Testimony: 1 (Federal Court)
- Depositions: 5
- Expert Declarations/Reports: 5
- Expert Rebuttal Reports: 3
- Expert for Plaintiff (4) and Defendant (4)

Expert Witness Consulting & Litigation Experience

Dun & Bradstreet, Inc. v. Tropare, Inc., 2021 (Ongoing)

Mandel is a software user experience (UX) expert for Dun & Bradstreet, Inc. (plaintiff) in a software contract dispute filed against Tropare, Inc. (defendant). The case involves trade secrets and user interface designs for database management and data analytics systems. These systems are used to develop marketing campaigns with specific customer segments that can be measured and tracked. The case is ongoing.

Expert Activities to Date:

- Ongoing research and internal reports

Class Action Lawsuit v. Amazon Web Services, Inc. 2024 -2025

Mandel was a software and consumer user experience (UX) expert for Amazon Web Services, Inc. (AWS, defendant), in a case filed by Avelardo Rivera and Yasmine Romero, individually (plaintiffs) in a class action complaint regarding collection, use, and storage of facial biometric data. The case was settled in mid-2025.

Expert Activities to Date:

- Discovery research and report

Case Information:

Case Number: Case No. 2:22-cv-00269-JHC, filed July 26, 2023
Jurisdiction: US District Court for the Western District of Washington at Seattle
Nature of Suit: Biometrics and Consumer Privacy
Plaintiff: Avelardo Rivera, Yasmine Romero, individually (class action complaint)
Defendant: Amazon Web Services, Inc. (AWS, defendant)

Lincare Holdings, Inc. & Lincare Licensing Inc. v. Doxo, Inc. 2023-2024

Mandel is a software user experience (UX) expert for Doxo, Inc. (defendant) in a trademark and trade name infringement, unfair competition, and tortious interference with business relationships case filed by Lincare Holdings Inc. and Lincare Licensing Inc. (plaintiffs). The case was settled in 2024.

Expert Activities to Date:

- Expert Report (October 5, 2023)

Case Information:

Case Number: 8:22-cv-02349 (4:21-cv-03323-JMG-CRZ), filed October 13, 2022
Jurisdiction: US District Court for the Central District of California
Nature of Suit: Trademark
Plaintiff: Lincare Holdings Inc. & Lincare Licensing Inc.
Defendant: Doxo Inc.

Defendant Representation:

William C. Rava, Perkins Coie LLP – Seattle
Alison R. Caditz, Perkins Coie LLP – Seattle
Caleb Bacos, Perkins Coie LLP – Seattle

Case Dockets:

<https://dockets.justia.com/docket/florida/flmdce/8:2022cv02349/406694>

Katzkin Leather, Inc. v. Roadwire, LLC, 2020 - 2022

Mandel was a user experience (UX) and consumer psychology expert for Katzkin Leather, Inc. (plaintiff) in an intellectual property and trademark dispute filed against Roadwire, LLC and Classic Soft Trim, Inc. (defendants). The case involved fraudulent and deceptive use of website designs and trademarks. The case focused on consumer confusion over the look and feel of company websites. The case has been settled.

Expert Activities:

- Ongoing research and internal reports
- Expert Report (August 5, 2021)
- Deposition (October 1, 2021)

Case Information:

Case Number: 2:2020cv02093, filed March 3, 2020
Jurisdiction: US District Court for the Central District of California
Nature of Suit: Intellectual Property and Trademark
Plaintiff: Katzkin Leather, Inc.
Defendant: Roadwire, LLC and Classic Soft Trim, Inc.

Plaintiff Representation:

Don Howarth, Howarth & Smith – Los Angeles
Suzelle M. Smith, Howarth & Smith – Los Angeles
Katherine Hight, Howarth & Smith – Los Angeles

Case Dockets:

<https://dockets.justia.com/docket/california/cacdce/2:2020cv02093/775085>

Karl Storz Endoscopy-America, Inc. v. Steris Corporation, 2019

Mandel was a software user experience (UX) and usability expert for the Steris Corporation (defendant) in a patent dispute filed by Karl Storz Endoscopy-America, Inc. The case involved software user interface design similarities between two applications. The case was settled in September 2019.

Expert Activities:

- Expert Rebuttal Reply Report (February 2019)
- Deposition (April 2019)
- Expert Declaration (September 2019)

Case Information:

Case Number: 1:2018cv01691, filed July 20, 2018
Jurisdiction: Ohio Northern District Court
Judge: Dan Aaron Polster
Nature of Suit: Patent
Plaintiff: Karl Storz Endoscopy-America, Inc.
Defendant: Steris Corporation

Defendant Representation:

Steven M. Auvil, Squire Patton Boggs (US) - Cleveland
Tamara D. Fraizer, Squire Patton Boggs (US) - Palo Alto

Case Dockets:

- <https://dockets.justia.com/docket/ohio/ohndce/1:2018cv01691/245358>

Federal Trade Commission v. DIRECTV, Inc., et al., 2013 – 2017

Mandel was a user experience (UX), consumer psychology, and usability expert for the Federal Trade Commission (FTC) regarding fraudulent and deceptive website practices by DIRECTV, Inc. The settlement demand was \$3.95 billion ([FTC Press Release](#)). The case was dismissed in 2018.

Expert Activities:

- Expert Report (September 2016)
- Deposition (October 2016)
- Expert Rebuttal Reply Report (November 2016)
- Deposition (December 2016)
- Trial testimony (August 2017)

Case Information:

Case Number: 15-cv-01129-HSG
Jurisdiction: U.S. District Court for the Northern District of California (Oakland)
Judge: Haywood S. Gilliam
Plaintiff: Federal Trade Commission
Defendant: DIRECTV, Inc.
Nature of Suit: Deceptive Print, Television and Web Sales

FTC Attorneys:

Jonathan E. Nuechterlein, Eric D. Edmonson, Raymond E. McKown, Erika Wodinsky, Stacy Procter, Jacob A. Snow, Emily Burton, Matthew Gold

DIRECTV Attorneys:

Chad S. Hummel, Michael Yaghi, Clayton S. Friedman, Mark D. Campbell, Ryan M. Sandrock. Bridget Johnsen (Sidley Austin LLP), Jeffrey Tillotson (Tillotson Law)

FTC Information:

- <https://www.ftc.gov/enforcement/cases-proceedings/102-3141/directv>
- <https://www.ftc.gov/news-events/press-releases/2015/03/ftc-charges-directv-deceptively-advertising-cost-its-satellite>
- <https://www.ftc.gov/news-events/blogs/business-blog/2015/03/ftc-says-directv-wasnt-so-direct-about-fees-negative-options>

Case Dockets:

- <https://dockets.justia.com/docket/california/candce/3:2015cv01129/285556>
- <https://www.plainsite.org/dockets/2khu2o3cf/california-northern-district-court/federal-trade-commission-v-directv-inc-et-al/>

Synca Direct Inc. v. Scil Animal Care Company & Vet Novation, 2016 – 2017

Dr. Mandel served as a software user interface design expert witness in a license breach of contract litigation case brought by Synca Direct Inc. (plaintiff) against Scil Animal Care Company (defendant). I represented Scil Animal Care Company (defendant).

Expert Activities:

- Expert Report (July 2016)
- Expert Rebuttal Reply Report (August 2016)

Case Information:

Jurisdiction: U.S. District Court for the Northern District of New York
Plaintiff: Synca Direct Inc.
Defendant: Scil Animal Care Company
Counsel: Moses & Singer LLP (Defendant)
Nature of Suit: Breach of Contract

Microsoft Corporation v. Motorola, Inc., 2011

Dr. Mandel served as an expert research consultant for Motorola, Inc. (defendant) in the 2011 Microsoft Corp. vs. Motorola, Inc. patent infringement lawsuit (Patent No. 5,664,133, September 1997). The Complaint was filed by Microsoft Corporation against Motorola in the International Trade Commission (337-TA-744) and in federal court in the Western District of Washington (210-cv-01577).

Mandel conducted research on the patent infringement lawsuit and provided materials for discovery. Mandel, as an IBM team member, published materials that pre-dated and invalidated the Microsoft user interface design patent.

Expert Activities:

- Expert litigation consulting
- Deposition with Microsoft Corp., Motorola, Inc., and IBM Corp. (June 2011)

Case Information:

Case Number: 210-cv-01577 (International Trade Commission 337-TA-744)
Jurisdiction: U.S. District Court for the Western District of Washington
Plaintiff: Microsoft Corp.
Defendant: Motorola, Inc.
Counsel: Quinn Emanuel Urquhart & Sullivan, LLP (Defendant)
Counsel: Weitzman Law Offices, LLC (Deponent)
Nature of Suit: Patent