

## **Ray Horak**

### **The Context Corporation**

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## **Expert Witness - Forensic Expert - Litigation Support**

The Context Corporation is headed by Ray Horak, an internationally recognized telecommunications consultant, lecturer, technical writer, columnist and author with 40+ years' experience in all aspects of telecommunications (voice, data, video, image, facsimile and multimedia) systems and networks. He has provided litigation support services as a consulting expert and testifying expert in cases involving alleged patent infringement, trademark/service mark infringement and product/service misrepresentation; alleged violations of the Telephone Consumer Protection Act (TCPA) and the Junk Fax Protection Act (JFPA), and various contractual and jurisdictional disputes.

### ***Services***

The Context Corporation has provided expert services to the telecommunications carrier, manufacturer, service provider, regulatory and end user communities in the United States and around the world for 20+ years. Those services include system and network technology research and analysis across the full range of telecommunications domains. Ray Horak provides litigation support services to the legal community as a consulting expert and testifying expert and has experience in cases involving patent infringement, trademark/service mark infringement, product/service misrepresentation and the Telephone Consumer Protection Act (TCPA). He also performs prior art research, background research, proactive patent analysis, and TCPA compliance reviews. With five technical books, several hundred technical articles and columns, and many hundreds of live keynote speeches, seminars, tutorials, workshops and panel discussions to his credit, Ray Horak's research, writing and personal presentation skills are exceptional.

### ***Litigation Support Services***

Mr. Horak, President of The Context Corporation, has served as a consulting expert and expert witness in a number of cases involving patent infringement, trademark/service mark infringement, product/service misrepresentation, the Telephone Consumer Protection Act (TCPA) and various contractual and jurisdictional disputes. Horak owns

an extensive hard-copy library of more than 1,000 technical telecommunications books dating back as far as 1876 and including some 100 telecommunications dictionaries and encyclopedias. This exceptional library supports his work in prior art research, background research and patent analysis. With five technical books, several hundred technical articles and columns and many hundreds of live keynote speeches, seminars, tutorials, workshops and panel discussions to his credit, Ray Horak's research, writing and personal presentation skills are exceptional.

### ***Areas of Expertise:***

Ray Horak possesses a high level of expertise in all areas of telecommunications and data communications systems and networks, including the following specific subject matter areas:

- ATDS
- AutoDialers
- Bandwidth
- Broadband
- Cellular Radio
- Digital Subscriber Line (DSL)
- Facsimile (Fax)
- Fiber Optics
- Frame Relay
- Internet Protocol Suite (IP)
- ISDN
- Local Area Networks (LANs)
- Messaging Systems
- Mobile Radio
- PBX (Private Branch eXchange)
- Packet Switching
- PSTN
- T-Carrier
- TCPA
- Telecommunications
- Transmission Systems
- Voice over IP (VoIP)
- Wide Area Networks (WANs)
- Wireless Communications

### ***Profile***

Ray Horak is President of The Context Corporation, which he founded in 1995. Previously he was Vice President of Marketing & Sales for Communications Group Inc. (CGI), a telemanagement software development firm. Previously, Mr. Horak spent seven years with Continental Telephone Company (CONTEL) and various CONTEL subsidiaries, most recently acting as General Manager of CONTEL Executone in Houston, Texas. Prior to this position, he served as Vice President of CONTEL Tenant Services (which he founded), Assistant Vice President of CONTEL's Western Region, and Director of Sales & Marketing for the Rocky Mountain Division. Mr. Horak previously spent nine years in various call center management capacities with Southwestern Bell Telephone Company (SWBTC).

During his employment at Southwestern Bell Telephone Company (1970-1979) Mr. Horak had management responsibility for blended (inbound/outbound) call center operations with direct responsibility for up to twenty (20) management employees and up to one hundred fifty (150) craft employees. During that time with the Bell System, Mr. Horak also was on loan to a long-term joint strategic planning project between SWBTC,

AT&T and AT&T Bell Labs with the mission of redesigning call centers and their relationships with several other departments along functional lines.

More recently, Mr. Horak has consulted with financial institutions and survey companies in the United States, analyzing their internal call center systems and those of their third party vendors in the context of the Telephone Consumer Protection Act (TCPA). The focus of those analyses has been to determine whether the relevant telephony systems conceivably could be characterized as automatic telephone dialing systems (ATDSs) and, if so, to recommend measures to bring those systems into compliance and, therefore, avoid unfavorable judgements in the event of litigation.

Mr. Horak has authored *Webster's New World Telecom Dictionary* (2007) for Webster's New World and *Telecommunications and Data Communications Handbook* (2007, 2008), for Wiley-Interscience, both of which are critically acclaimed. Previously, he authored three best-selling editions of *Communications Systems and Networks* (1997, 2000, & 2002), published by John Wiley & Sons and various predecessor firms. He also has served as a Technical Editor for *Deploying Secure 802.11 Wireless Networks with Microsoft Windows*, published by Microsoft Press, and was Senior Contributing Editor for the best-selling *Newton's Telecom Dictionary* (12th–22nd Editions).

Mr. Horak is a contributor to numerous leading industry trade publications and has written several hundred published articles, as well as numerous white papers and case studies. For a number of years he wrote the popular *In the Classroom* column for the Commweb portal, sponsored by CMP Media. He served as a member of the Editorial Boards of *The Connectivity Management Handbook*, *The Journal of Information Communications Technology in Higher Education*, and *The Prepaid Press*. Ray Horak served for a number of years as the Technology Editor for *Telecom Reseller* newspaper.

Mr. Horak was for a number of years a member of the faculties of Terrapinn (previously AIC) and Network World Technical Seminars. He also was an Adjunct Faculty member of The University of San Francisco (CA), McLaren Graduate School of Business. He also served for a number of years on the School of Business and Management Telecommunications Management Advisory Council of USF's Masagung Graduate School of Management and the Advisory Committee of the Skagit Valley College (Mount Vernon, WA) Electronics/Telecommunications Technology Program.

Mr. Horak has spoken before tens of thousands of communications professionals through public and private keynote speeches, seminars, tutorials, workshops and panel discussions in Australia, Canada, England, France, Germany, Hong Kong, Korea, Malaysia, The Netherlands, New Zealand, The Philippines, Poland, South Africa, Singapore, Thailand and Turkey, as well as the U.S.

## ***Professional Experience***

1995-Present: President, Context Corporation  
1988-1995: Executive Vice President, The Lido Organization  
1987-1988: Vice President Marketing & Sales, Communications Group, Inc.  
1986-1987: General Manager, CONTEL Executone of Houston  
1985-1986: Vice President (Founder), CONTEL Tenant Services, Inc.  
1981-1985: Assistant Vice President Marketing & Sales, CONTEL Service Corporation  
1979-1981: Director of Marketing & Sales, CONTEL Service Corporation  
1970-1979: Various Management Positions, Southwestern Bell Telephone Company

## ***Litigation Support***

Ray Horak has provided litigation support in dozens of cases involving intellectual property (patents, trademarks and service marks), product misrepresentation, the “junk fax” and “autodialer” provisions of the Telephone Consumer Protection Act (TCPA), and various contractual and jurisdictional disputes. Litigation support services include proactive patent analysis, technology and application research, prior art research and testimony. He is a skilled researcher, author and public speaker with a unique ability to translate highly complex technical subject matter into plain-English, commonsense terms both in print and in testimony. Example engagements are as follows:

### **Denise Baker v. Navient Solutions, LLC (2018)**

**Jurisdiction:** U.S. District Court, Eastern District of Virginia

**Case No.:** 1:17cv01160

**Client:** Navient Solutions, LLC

**Nature of Case:** Class Action, ATDS provisions of the Telephone Consumer Protection Act (TCPA)

**Nature of Engagement:** Consulting/Testifying Expert

### **Madison County Communications District v. BellSouth Telecommunications (2018)**

**Jurisdiction:** Circuit Court of Jefferson County, Alabama

**Civil Action No.:** CV-2014-904855

**Client:** Madison County Communications District

**Nature of Case:** Class Action, Breach of Contract

**Nature of Engagement:** Consulting/Testifying Expert

### **R. Fellen, Inc. v RehabCare (2016)**

**Jurisdiction:** U.S. District Court, Eastern District of California

**Case No. 1:** 14-cv-02081

**Client:** RehabCare

**Nature of Case:** Class Action, Junk Fax provisions of the Telephone Consumer Protection Act

**Nature of Engagement:** Consulting/Testifying Expert

### **Anderson v. Domino's Pizza, Inc. (Call-em-All) (2011)**

**Jurisdiction:** U.S. District Court, Western District of Washington

**Case No.:** 11-CV-00902-RBL

**Client:** Call-em-All

**Nature of Case:** Class Action, ATDS provisions of the Telephone Consumer Protection Act (TCPA)

**Nature of Engagement:** Consulting Expert

**Verizon New England Inc. and Verizon New York Inc. v RNK, Inc. (2010)**

**Case No.:** 08-CV-11457-NG-LTS

**Jurisdiction:** U.S. District, District of Massachusetts

**Client:** Verizon

**Nature of Case:** Contract Dispute, VoIP Interconnection

**Nature of Engagement:** Consulting/Testifying Expert

**Robert A. Green v. Insurance Program Managers Group, L.L.C. (2008)**

**Jurisdiction:** U.S. District Court, Northern District of Illinois, Eastern Division

**Civil Action Case No.:** 07-CV-3842

**Client:** Insurance Program Managers Group, L.L.C.

**Nature of Case:** Class Action, Junk Fax provisions of the Telephone Consumer Protection Act (TCPA).

**Nature of Engagement:** Consulting/Testifying Expert

**Cellco Partnership d/b/a/ Verizon Wireless v. Nextel Communications, Inc. (2004)**

**Jurisdiction:** U.S. District Court, District of Delaware

**Civil Action No.:** 03-725-KAJ

**Client:** Verizon Wireless

**Nature of Case:** Trademark/Service Mark Infringement re: push-to-talk (PTT)

**Nature of Engagement:** Consulting/Testifying Expert

**David Solomon v Verizon Internet Solutions, Inc. (2003)**

**Jurisdiction:** New York Supreme Court, New York County

**Client:** Solomon, Scott, Croak, et al.

**Nature of Case:** Class Action, Product Misrepresentations, DSL service

**Nature of Engagement:** Consulting/Testifying Expert

***Affiliations***

Institute of Electronics and Electrical Engineers (IEEE)

IEEE Communications Society (COMSOC)

Electronics Technicians Association (ETA)

***Publications***

**Books: Author or Contributor**

[\*Telecommunications and Data Communications Handbook\*](#) (2007, 2008), Author, Wiley-Interscience

[\*Webster's New World Telecom Dictionary\*](#) (2007), Author, Webster's New World

[\*Communications Systems and Networks\*](#) (1997, 2000, 2002), Author, John Wiley & Sons

*Newton's Telecom Dictionary* (1995-2005: 12th-22nd Editions), Senior Contributing Editor, CMP Books

**Books: Editor**

*Deploying Secure 802.11 Wireless Networks with Microsoft Windows* (2004), Technical Editor, Microsoft Press

*The Connectivity Management Handbook* (1995), Member of Editorial Review Board, Transport Management Group

**Articles and Columns (Hundreds):**

Business Communications Review, Communications Convergence, Commweb, Computing Channels, Computer Telephony, Journal of Telecommunications in Higher Education, Network Magazine, Network World, Procomm, The Prepaid Press, TCA Extensions, Telecommunications Insider, Telecommunications Reseller Opportunities, Telecom Reseller, Teleconnect and Voice Processing Magazine.

**White Papers, Analytical Reports, Case Studies and Solutions Briefs (Numerous):**

Datapro Communications Analyst, Datapro Worldwide IT Analyst, Datapro Managing Global Communications and Microsoft IT Showcase.

**Editorial: Technology Editor**

Telecom Reseller Newspaper and supplements: Avaya Extra, Cisco Telephony Tribune, Mitel Report, NATD World, NEC Newslink, Nortel Networks Now and VoIP Networks.

***Education***

MBA, University of Texas at Austin, 1970  
BBA, University of Texas at Austin, 1968  
AA, Del Mar College, 1966