



## Tony Sykes

### Partner

---

#### Contact

**E** [tony.sykes@itgroup-uk.com](mailto:tony.sykes@itgroup-uk.com)

**T** +44 (0)20 7043 3470

**M** +44 (0)7813 091 440

**D** +44 (0)20 3405 9701

#### Experience

- Specialist in IT, telecoms and electrical engineering fitness for purpose disputes
- Provided expert testimony over 60 times
- Recognised as a leading figure in data privacy and protection, data security, information technology and telecoms by Who's Who Legal
- Chartered Electrical Engineer and Chartered IT Professional
- Founder member of the Society for Computers and Law - IT Disputes Group

Tony Sykes is a distinguished technology expert, specialising in information technology (IT), telecommunications, microelectronics and electrical engineering. With over 30 years of experience in the design, development and testing of hardware and software products and systems, he provides a full range of expert advice, consultancy and expert witness services and is regularly instructed by international law firms, loss adjusters and insurers.

A highly accredited court expert, Tony has provided evidence in international tribunals, arbitrations, adjudications and High Court cases usually in the Technology and Construction Court (TCC).

Tony holds a BSc Honours degree in Electrical Engineering from Aston University, Birmingham, UK. He is a Chartered Electrical Engineer and a Chartered IT Professional. He is a Member of the Institution of Engineering and Technology. Tony is a leading figure in professional circles – a practising Fellow of the Academy of Experts; a member of the Academy of Expert's Council; a Member of the British Computer Society and a member of the Society of Expert Witnesses.

In addition, Tony is a registered expert witness with the Association of Personal Injury Lawyers, a member of the Society for Computers and Law, and a founding, committee member of the Society for Computers and Law IT Disputes Group.

#### Representative engagements

- Expert technology advisory services for a US\$60m dispute relating to the implementation of an SAP enterprise resource planning software system at a major UK media and broadcasting corporation.
- Appointed as IT expert for the liability and quantum hearings in an arbitration relating to a US\$1bn IT dispute centred on the failure of a US\$3.75bn patient care records system.
- Instructed to provide expert opinion and assist insurers prior to settlement following an alleged breach of warranties resulting from the acquisition of a telecommunications business by another multi-national telecommunications company.
- Instructed to provide IT and project delivery expert witness services in the case of David MacBrayne Ltd v Atos IT Services (UK) Ltd, held before the Outer House of the Scottish Court of Session, concerning failed implementation of a new ferry ticketing system for a fleet of 33 vessels serving 53 ports throughout Scotland's Hebridean and Clyde islands.

## Representative engagements continued

- Instructed to provide expert opinion on proximate cause following disruption to the power supply at a UK healthcare facility. Analysis of contractual delay clauses, procedures adopted by various parties involved and relevant maintenance schedules were carried out.
- Appointed to provide expert determination for an automotive distributor based in the Middle East and its South African SAP implementation partner. Completion of a US\$100m SAP platform solution required continuous progress monitoring and reporting on delays due to resourcing and scope changes.
- Instructed to produce an expert report to assess the fitness for purpose of a household appliance manufactured by a multinational company.
- Technology advisory services in support of a European consortium engaged in a dispute relating to the commissioning of an open road tolling project in Southern Africa.
- Appointed by PWC to provide industry expert definitions of IT specific terms in relation to a dispute over classifications under the auspices of the Combined Nomenclature (CN) which is a tool for classifying goods, set up to meet the requirements both of the Common Customs Tariff and of the EU's external trade statistics.
- Appointed by an international loss adjuster to provide opinions on clauses in policies covering cyber loss and data loss. Led several assignments looking at the sources of ransomware attacks and providing opinion on the suitability of the mitigation processes and system security improvements.
- Appointed in several patent infringement and patent validity disputes to give an opinion on the definition of technology terms and to opine on the inventive step from the perspective of a "man skilled in the art".

## References

- **Who's Who Legal – Data 2020:** "Tony Sykes is deemed a "master of his subject" and "very knowledgeable" with "years of experience". Sources notes his "ability to express himself with great clarity"."
- **Simon Konsta – Partner, Clyde & Co:** "I instructed Tony Sykes as an expert witness in regards to a SAP matter. I found Tony to be extremely proficient and knowledgeable in the case matter and found his report to be very informative and to the point in regards to the key findings. From my initial enquiry, I found Tony Sykes and IT Group to be very prompt and efficient with their analysis and would not hesitate to use them with any matters in the future."
- **Carol Plunkett – Partner, William Fry (Dublin):** "William Fry instructed Tony Sykes and Jason Coyne from IT Group in an Intellectual Property dispute in the High Court in Dublin. The unique combination of forensic IT skills and software engineering experience enabled IT Group to uncover the source of the IP theft and to provide invaluable expert opinion on the attempted cover up that followed. I would recommend IT Group in this type of case."
- **HHJ Grant – Frontier Systems Ltd Trading as Voiceflex -v- Fripp Finishing Ltd [2014] EWHC 1907 (TCC):** "I prefer Mr Sykes' opinion on this issue" [how hackers gained access to a VOIP PBX]
- **HHJ Toulmin – Kingsway Hall Hotel -v- Red Sky IT [2010] EWHC 965:** "In general I find Mr Sykes' evidence is to be preferred to Mr XXXXX in areas where they disagreed."
- **HHJ Thornton – Autoroute Circuits (Roger Benfield) -v- Life Racing Limited [2007] EWHC 1505:** "An overall assessment of all this material led me unhesitatingly to conclude that, on any relevant dispute of technical detail or professional opinion, Mr Sykes' evidence was to be preferred to Dr XXXXXXXX."

- **HHJ Bowsher – Sam Business Systems -v- Hedley & Co. [2002] EWHC 2733:** "I preferred the evidence of Mr. Sykes as more measured and temperate."
- **Tim Ashdown – Partner, DMH Stallard:** "Tony is a consummate professional. I have worked closely with him in the resolution of complex IT disputes and his expert input has been invaluable, not only to me but the paying client."
- **Lorenzo Scarabellotto – Loss Adjuster, FM Global:** "As a loss adjuster working for a property insurance, I hired Tony Sykes on a number of high-profile industrial losses as an IT and electronic technologies consultant, to assess damage, reparability, repair vs replace valuation, source possible suppliers, etc. His responsiveness, technical knowledge, flexibility to adapt to various scenarios, understanding of our needs and results on the field, make him a very valuable consultant."
- **Gerald O'Mahoney – Partner, O'Mahoney St John Solicitors:** "I instructed Tony Sykes in a large High Court litigation involving electronics and software. His expertise and clear presentation of evidence during cross-examination were essential in a difficult and complex trial lasting many weeks. I would recommend Tony in any IT or electronics case involving fitness for purpose or intellectual property dispute."