CASE STUDY

Overseas IP Infiltration

Case Solution Using NexLP's StoryEngine

FOR: Lit Support

CLIENT: Corporation

SERVICE: eDiscovery

Situation

Acorn's client, a data aggregation corporation, hired Acorn to aid in crafting an efficient, analytics-based, review for a litigation they were initiating. The opposing side was conducting a large scale, overseas, outsourced IP theft operation using the services of a foreign affiliate. Acorn's client acquired over 30 TBs of the foreign affiliate's ESI, including 50M documents to review. Within the 50M documents collected from the foreign affiliate, Acorn's client needed to find evidence to support claims of (i) knowledge by leadership in the foreign affiliate of a coordinated, intentional, IP theft operation (ii) direct communications between the foreign affiliate and the opposing side regarding the IP theft operation.

Because of the large-scale, investigative nature of the review, Acorn utilized StoryEngine in combination with Relativity. The goal was to leverage cutting-edge technology for a 50,000 foot view of the key players, before deciding on which custodians to deep dive on for a focused review.

Challenge

The review and search for supporting evidence presented some unique challenges, including:

- Official communications from the opposing side and the foreign affiliate were carefully crafted to establish an above-board paper trail, despite practices to the contrary. The opposing side's legal strategy was to move quickly, armed with that evidence.

- With little known about the oversees operation, all on-site devices were collected in their entirety to be safe, including materials unrelated to the service line in question. The resulting collection was very broad and over inclusive. A traditional linear search would have been expensive and time-consuming, and yielded few relevant results.

- The foreign affiliate's employees were sharing workstations and using personal cloud based programs for communicating, including Skype Messaging and Google Docs, which traditional review platforms were not designed to support effectively.

Acorn's Solution

With one of the primary goals to identify key individuals and communication structures that would tie the foreign affiliate back to the parent company to show both knowledge and intent, Acorn turned to NexLP's StoryEngine platform. StoryEngine employs a proprietary combination of Artificial Intelligence and Machine Learning to detect issues related to human behavior by identifying social networks, patterns, anomalies, behavioral changes, emotion, key actors, and topics.

First, Acorn focused the investigation on the CEO of foreign affiliate. Rather than deep diving into the CEO's documents, Acorn used StoryEngine's social network visualization analytics for a 50,000 foot view of the players. Acorn found unusually frequent communications between the foreign affiliates' CEO and one of its Project Managers. Acorn then focused the deep dive review on the Project Manager and leading to evidence of direct conversations between the foreign affiliate and opposing side relating to the IP theft operation. This surfaced a key piece of evidence required to hold the opposing side culpable for the foreign affiliate's actions within 6 months of the review.

Second, StoryEngine's social network visualization highlighted that most communications between the front-line employees occurred via Skype. Acorn designed a custom solution within StoryEngine to consolidate Skype messages into a single thread, providing important context to the dialogue during the review. The Skype messages painted a very different picture of the operation than the official emails. In the end, the Skype messages demonstrated coordinated, intentional IP theft operations in stark contrast to the official communications.

Results

With the volume of data involved, Acorn quickly recognized the value of using StoryEngine for social network visualization and for its seamless integration into Relativity. This cutting-edge investigation tool allowed Acorn's client to seamlessly iterate between investigation and review and ultimately find "the smoking gun" that resulted in a full stop of the IP theft operation. Ultimately, our early case assessment and targeted investigations culled he reviewable documents down from 50M to 6M. Acorn's advanced analytics process resulted in the client finding "the smoking gun" within the first 160,000 documents reviewed. This resulted in settlement in less than one year, before the matter ever reached trial. This toolset avoided wasting time and money on reviewing irrelevant documents. Instead early efforts were focused on surfacing the most important documents as early as possible.

About Acorn

Acorn is a legal data consulting firm that specializes in AI and Advanced Analytics for litigation application, while providing rigorous project management to the eDiscovery industry. Although capable of serving AmLaw 100 Law Firms and Corporate Legal departments, Acorn primarily works with large regional, midsize national and boutique litigation firms. Acorn provides a high-touch, customized litigation support services with a heavy emphasis on seamless communications.