

A Mission-Critical Response: Infringement case turns on breakneck tech-service response

Friday, May 1, 2015 - 13:34

[Inventus, LLC](#)

[Buether Joe & Carpenter, LLC](#)

[Ed Fiducia](#)

[Chris Joe](#)

*MCC interviews **Chris Joe**, member, **Buether Joe & Carpenter, LLC**, and **Ed Fiducia**, regional vice president and senior eDiscovery consultant, **Inventus LLC**. Messrs. Joe and Fiducia discuss a high-stakes intellectual property infringement case that hinged on accurate and responsive discovery services provided under extraordinary circumstances.*



[Ed Fiducia](#)



[Chris Joe](#)

MCC: Chris, please tell us about a case you handled last August. What triggered the need for Inventus's services, and how did you collaborate to manage the initial critical phases of that litigation?

Joe: We had an IP case last summer – a patent lawsuit against a very significant, large defendant – in which we hadn't received the necessary documents from the client and, as a result, were way behind schedule in collecting and processing discovery. I had worked with Ed on prior cases, and because of the great experiences with him and his team with respect to getting things done quickly, Inventus is now my go-to company, particularly when it comes to emergency projects.

We had to collect documents in New York, Virginia and Texas and were facing an immediate court deadline. Ed took my call and pulled together a team to collect those documents; get them processed and entered into their databases; and then format everything so we could review, cull and then produce to the other side. It was done with fewer headaches than you could possibly imagine on a last-minute basis, so we were really pleased with that.

MCC: Obviously the timeline here was of critical concern. Tell us about the process with this case, from initial contact with Inventus, to the completion of a privilege log and through to next steps in moving the case forward for the client.

Joe: We had only 30 or so days to get it all done. It was a major undertaking.

Fiducia: The rush at the very beginning was the privilege log. The initial contact with me came in on July 26, but the client didn't pull the trigger until the first of August, a Friday. Chris

called me that day to say okay, the fire drill is a go. Go get data from those multiple sources – and a privilege log is due on Tuesday afternoon.

Joe: It was a very quick turnaround. In this particular case, the privilege log had to be produced pursuant to a deadline that was set by the court. The client didn't realize they hadn't sent us all the documents, so we were in a panic because the impending deadline was the last opportunity to submit a privilege log to the opposing side. It was mission-critical to get this done in an expeditious manner. When the court gives you a deadline, you make it.

Fiducia: The forensic data collection from 16 custodians began over the weekend. We used Inventus' Direct Link capabilities. Direct Link is a proprietary, custom development that connects LAW (a processing tool) with Relativity (a review tool), thereby eliminating the security and accuracy risks of transferring data more than once. We ingested over 80,000 documents, or 82 GB of information, and then loaded 64 GB into Relativity in time for a Monday morning review. By taking advantage of our inVerito workflow for early case assessment, Chris and his team were able to quickly identify approximately 29,000 privileged documents, which were then coded using our Privilege Log Generator. The completed privilege log was delivered to opposing counsel on Tuesday afternoon. After that, Chris had to turn around a full-blown document review and production within 30 days. And working together, we pulled that off too. That's the chronology in a nutshell.

MCC: Chris, can you talk a bit about the value side of the equation from your perspective?

Joe: In general, we look for providers that know what they're doing and get it right the first time. We don't want to have to give a lot of instruction, and Inventus has always been excellent in meeting that need. We can give them some general guidelines and have maybe one or two initial calls, and then they go for it. We've never had any problems with their results, nor have we encountered an issue relating to overpromised services or missed deadlines.

It's invaluable to be able to rely on service partners to do what they say they're going to do, and that's what happened in the case we're discussing. We asked Ed and his team to get involved late in the process, really in an emergency situation. They said: here are the parameters, and here's what we can do and the time by which we can do it . . . and then they got the job done. From a trust perspective, that's just incredibly valuable.

On the cost side, Inventus is fairly priced, both for non-emergency projects and certainly for what we ask them to do on an emergency basis. And thanks to the high-quality results they deliver, we're not paying to fix work that wasn't done correctly the first time. My clients always appreciate that.



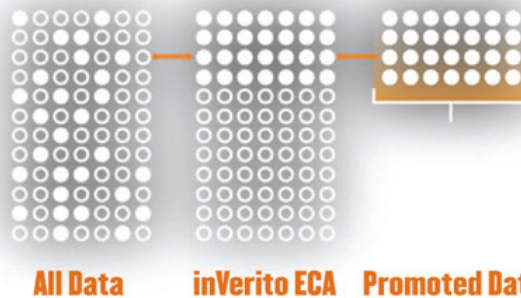
PROPRIETARY DISCOVERY ECOSYSTEM

1. DIRECT LINK



Data is processed once and linked directly from LAW to Relativity, eliminating risk, potential errors and time delays.

2. INVERITO



Fully integrated early case assessment (ECA) workflow built directly into Relativity, resulting in smaller, more relevant data sets and immense reduction in review costs.

3. PRIVILEGE LOG



Automatically create privilege logs, streamlining process and delivering accurate results on a deadline.

About Buether Joe & Carpenter, LLC

Buether Joe & Carpenter (BJC) focuses primarily on intellectual property and patent litigation, as well as commercial litigation, including class actions. The firm boasts additional expertise in unfair competition litigation as well as antitrust, contract and other business disputes for both plaintiffs and defendants. BJC was formed in 2010 by Eric Buether, Chris Joe and Brian

Carpenter, former Greenberg Traurig shareholders in its Dallas IP litigation section, and since then, the boutique firm has grown to eight lawyers. A Duke University undergraduate (and zealous Blue Devils fan), Mr. Joe attended SMU Law School and practiced with a number of Texas firms before starting BJC. Notable trials include representation of a major oil and gas drill bit manufacturer against a competitor in a patent suit, which resulted in a \$41 million judgment in favor of Mr. Joe's client. This case was reported as the fourth largest patent judgment in 2004 by the *National Law Journal*.

About Inventus LLC

Inventus offers a suite of industry-leading technology solutions aimed at reducing the costs associated with e-discovery and document review. Since 1991, Inventus has provided discovery solutions and related services to major law firms, corporate legal departments and government agencies, including web hosting, electronic data discovery, enterprise software sales and document imaging. Among its groundbreaking achievements, the 2011 launch of inVerito pioneered early case assessment within Relativity, and since then, Inventus has achieved and maintained Relativity Best in Service Orange Status. Inventus has earned the trust and loyalty of a global client base by recognizing the essential link between the consolidation and organization of data and the discovery of meaningful information. To learn more about Inventus, please visit <http://inventus.com/>.

For further information, please connect with Ed Fiducia on [LinkedIn](#) and [Twitter](#).

[Disclaimer](#) • [Privacy](#)

Metropolitan Corporate Counsel, Post Office Box 1399, Mountainside, NJ 07092.

Contact us at info@metrocorpcounsel.com

©Metropolitan Corporate Counsel All rights reserved.