



bit-x-bit's Forensic Examination Reveals that Former Employee Took Confidential/Trade Secret Information Resulting in a Settlement which Included Termination from Competitor's Company

The Challenge

Determine whether a former employee took confidential, trade secret information in violation of his written confidentiality and non-competition agreement, after he advised the company that he was leaving to move West, when in fact he took a similar sales position with a competitor.

Meeting the Needs of the Client and Counsel

bit-x-bit's client, a multinational corporation with offices in the U.S., Europe and Asia, retained bit-x-bit to conduct a forensic investigation of a former employee's laptop computer to determine whether he had taken confidential, proprietary or trade secret information. When the employee resigned from the company, he had told the Company that he was leaving to move West to do more "big game" hunting. The Company subsequently learned that in fact, the former employee had taken a sales position with one of its main competitors in the United States.

bit-x-bit conducted a forensic examination of the former employee's laptop computer, which he had used while working at the Company. The examination included unearthing deleted files, and examining the file systems, which revealed exactly what the former employee had copied to his personal thumb drive and hard drive just prior to his resignation. Contrary to the employee's representations to the Company and to his new employer, bit-x-bit found this unassailable evidence:

- Three months before resigning, and two days after he instructed a head hunter to "move forward" with a job at the competitor company, the employee accessed and copied a number of confidential and proprietary documents about a key customer.
- Copies of deleted email on the company laptop showed that three months prior to his voluntary resignation, the former employee had accepted a new position with the competing company.
- Two days before his voluntary resignation, the employee accessed 30 company documents from nine different company folders containing the company's confidential, proprietary and trade secret information.
- Two days before his voluntary resignation, the employee copied six company documents containing confidential, proprietary and trade secret information to a thumb drive. The documents contained confidential financial information, market analyses, company sales targets and goals, customer information and more.

The Result

As a result of the forensic investigation, bit-x-bit's client was able to enter into a favorable settlement of the case which included the competitor's termination of the former employee and enforcement of the non-competition agreement.