



We get it.SM

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Digital Forensics

Class action suit — dismissed!

Forensic Investigation Disproves Spyware Allegations

When a nationwide class of consumers alleged that a national computer rental franchisor had installed spyware on their rental computers to surreptitiously log customer keystrokes and take clandestine pictures via webcam, the franchisor engaged bit-x-bit to analyze the class representative's computer and the franchisor's network to determine whether any unauthorized data was sent to or received by the franchisor, in violation of the Electronic Communications Privacy Act.

bit-x-bit:

- Forensically imaged the rented computer
- Analyzed over 5,000 IP addresses, both active and deleted, present on the computer
- Examined the allegedly offending software
- Captured and analyzed the computer's memory
- Reviewed active and deleted photos to determine if the plaintiff's photograph had been taken and transmitted
- Analyzed the franchisor's email server and intranet, and the opinions and declarations provided by several opposing experts

Our forensic investigation proved that the rented computer did not use the spyware mode of the allegedly offensive software. None of the 5,000 IP addresses to which the computer had communicated matched those of the franchisor, and we found no evidence of data transmission of photos or key logging. Upon completion of our examination, bit-x-bit provided a report of our findings to counsel.

Defense counsel was able to resolve the case quickly once our investigation report was presented to the plaintiff's counsel, and achieved a dismissal of the class action.