

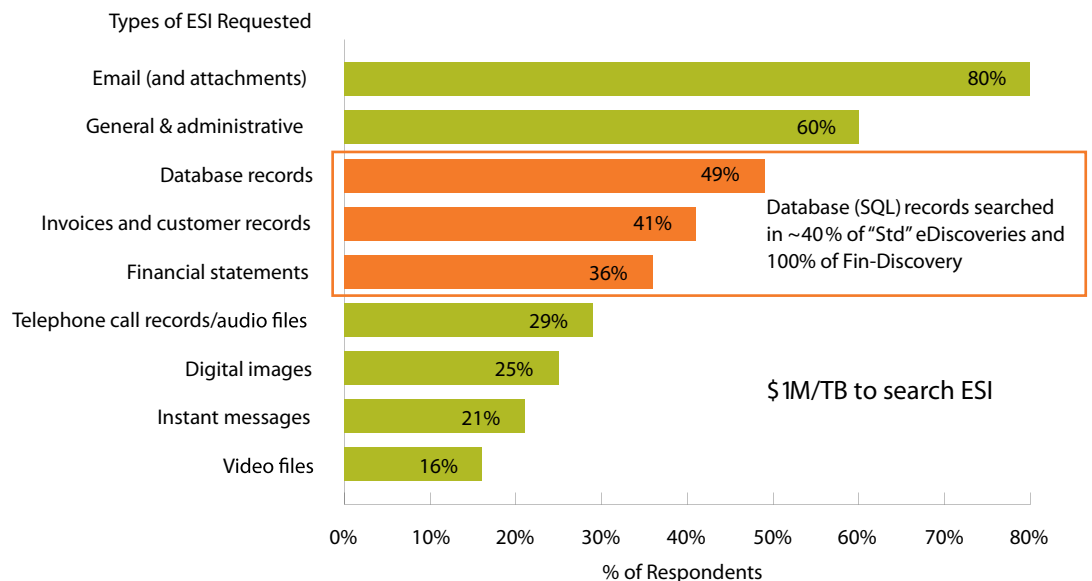
Financial discovery — and beyond — using BMMsoft EDMT[®] Solution

USE CASE STUDY

The financial industry is a litigation-intensive sector, so the timely identification of relevant business records is an imperative. This is a monumental task due to the extensive volume and wide variety of electronically stored information (ESI) that has forced a reevaluation of legal records, electronic discovery (eDiscovery) and procedures. Financial institutions are in a particularly tough spot as their ESI includes millions of database records stored in various databases. Searching these databases using conventional eDiscovery techniques for emails, documents and multimedia is cumbersome and insufficient to meet the full data discovery demands imposed on financial institutions.

ALL DATA REALLY MEANS ALL DATA.

In 2006, the U.S. Supreme Court published amendments to the Federal Rules of Civil Procedure (FRCP) to clarify that subpoenas apply to ESI irrespective of data type (emails, documents, database records or any other format). Financial companies already comply with a myriad of laws, regulations, policies and contracts governing record retention ranging from months to tens of years. Most organizations delete records at the end of the retention period to manage archival costs. However, the increased data volume and complexity require much better solution for records management, retention and electronic discovery/analysis. The financial industry needs a powerful and robust solution to automate ESI archival and to cross-analyze data in all formats - emails, documents, multimedia and transactional data (EDMT), thereby reducing search time from months to hours.



TIMING IS CRITICAL.

When financial institutions receive a subpoena or suspect a potential litigation, they must immediately place a 'litigation hold' on all of the ESI (including database records) relevant to the case so that these records are available for future action. The FRCP allows for the deletion process of non-relevant ESI to continue; however, solid procedures must ensure that all relevant ESI are unaltered and secure. Relevant ESI may be in the format of database records (structured data) or emails, videos, voice mail, call center recordings, instant and text messaging, and access-control logs (unstructured data). To fully comply with the FRCP, financial institutions must store, manage and recover all relevant ESI - both structured and unstructured, with equal capability and audit ability.

So what can financial organizations do to ease the process? Here are some suggestions:

- **Use an enterprise-wide, real-time analytic repository for any/all types of records (including database records) with a flexible retention policy.** Such an analytic archive should have flexible retention policies for all data types optimized for eDiscovery and other compliance regulations, as well as clear responsibility for data management and deletion
- **Form a cross-functional executive-level team to address eDiscovery compliance.** The team should be comprised of legal, compliance, security, fraud, CRM and IT members. This holistic approach allows the financial institution to address the business' response to eDiscovery and other needs (i.e. Fraud detection, CRM, Security threat, etc.) in a coordinated manner
- **Publish or modify policies and procedures impacting records management.** This includes records retention, destruction, archival and backup, email management, internal audits, litigation hold — all performed from a centralized, real-time analytic archive

BMMSOFT EDMT® SERVER FOR FINANCIAL EDISCOVERY

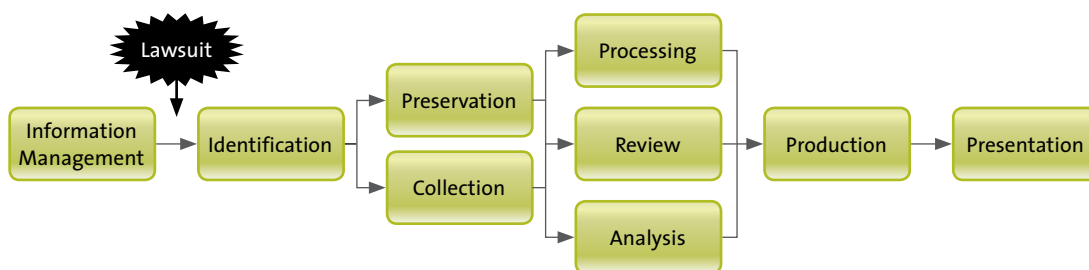
Real-Time Analytic Archive.

To address the needs of organizations to centrally manage, discover and analyze records of all data types, BMMsoft created the EDMT® Server. EDMT® Server is a standards-based, real-time analytic archive solution that captures, organizes and stores structured and unstructured data of all types and formats in a single SQL datastore (using SAP Sybase IQ). Through its unique tagging and classification technology and its rules-based records management engine, EDMT® Server enables policy-based records management and real-time cross-data discovery and analysis of all ESI.

End-to-End eDiscovery without data migrations.

EDMT® Server is the only solution that covers all phases of the Electronic Discovery Reference Model (EDRM) — information management, collection, identification, preservation, processing (“data culling”), analysis, review and production — using the same user interface and single data repository. EDMT supports export of culled-down data — typically 1% of the initial data set — to 3rd party review and analysis tools. This end-to-end approach eliminates slow, costly and error-prone data transfers between tools used today throughout every phase of the process.

EDMT® Server End-to-End eDiscovery Solution



The Electronic Discovery Reference Model guides enterprises through the steps they should follow to meet legal discovery requirements

Source: www.edm.net

Multi-Purpose Analytic Archive.

Progressive organizations who implement EDMT® Server for eDiscovery and compliance needs can leverage that investment for other revenue-generating and revenue-protecting tasks such as Fraud Detection (saving millions of dollars), Security Threat Detection, CRM (satisfied customers mean more profit), and Product Analysis (early, real-time detection of product problems, drug side-effects, etc). Customers who have deployed EDMT® Server for other purposes (i.e. cross-analytics, archiving, compliance, etc.) can support eDiscovery needs simply by activating EDMT® eDiscovery Module — no data transfer or other modification is needed.

EDMT® Server is a state-of-the-art real-time archiving and analytic solution that with the use of SAP Sybase IQ delivers:

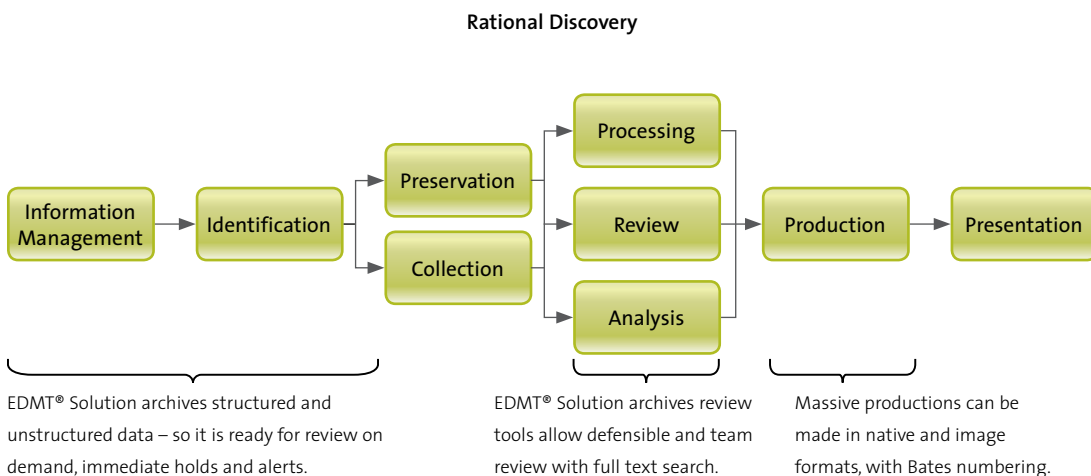
- Massive data scalability (certified to 1,000 TB (1 Petabyte) of data and 6 Trillion EDMT “items” as the Guinness “World’s Largest Data Warehouse”
- Unmatched cross-correlation & analysis between multiple, disparate data types
- Organization of these data into a unified, well-managed Archive/Data Warehouse and ensures their safe, secure, and permanent preservation
- Functionality to meet essential IT, records management and legal compliance requirements while increasing end-user productivity with granular data retention policies and version control
- Green, compact and low cost operations
 - 90% lower storage cost due to de-duping, compression and indexing
 - 90% reduction in storage size, power usage, CO2 emissions and floor space
 - Uses high-capacity, low-cost disks (up to 4TB/disk) in RAID/MAID configurations
- “Out of the box” multi-purpose High Availability (HA), Standby, and Disaster Recovery (DR) for EDMT® Server data sources
- Archiving of paper documents with real-time file capture & archival

SUMMARY

The explosion of electronically stored information (ESI) coupled with demanding governmental regulation, compliance mandates, and frequent litigation has forced financial institutions to reevaluate policy, procedures and systems for meeting these growing demands. A comprehensive, centralized solution for storing, managing, accessing and analyzing all ESI is core to meeting this mission critical need. BMMsoft EDMT® Server is specifically designed to address this challenge by delivering the real-time analytic archiving functionality necessary for eDiscovery and Litigation Response, while making all data available for revenue-generating and revenue-protecting activities such as Fraud detection, Security/threat analysis, CRM, and Product Analysis.

Use Case of EDMT® Solution: Executing a Compliance/Audit Project

EDMT® Appliance, leveraging SAP Sybase IQ, empowers users to conduct efficient and collaborative Audit and Compliance project on both structured and unstructured data in a defensible manner, using standard industry approaches.



Although there may be numerous ways to attack an Audit/Compliance project, (depending on the types or sources of data, or issues presented), here is one recommended approach:

1. Set-up.

Create a project in the “Manage Projects and Users” tab in the upper left-hand corner of the GUI. For purposes of this FAQ — let’s call it “Terraganix v. Spartikas — 000-009”. Set up the Users in “Manage Projects and Users” tab by inserting email addresses of authorized reviewers. See Illustration #1 below.

Manage Projects and Users | Search | Statistics | Rules + Notifications | Back to homepage | Sign out | Profile | Help

Select Project to Modify
Project Description: Terraganix v. Spartikas (000-009) | Select | Create New Project | Create New User

Parties
Project Description: Terraganix v. Spartikas

Auto-classification Fields
Project Number: 000-009
Project Code Name: N/A
Account Name: N/A
Competition: N/A

Retention period for emails and documents
Email retention:
Document retention:

Participants

| Owners [Unlimited Access to Project Content + may modify Profile]: | | |
|---|----------------------|------------------|
| Full Name | Login Name | |
| Perry FTS | perryands@ink-pc.com | Add Users Remove |
| Read-All Internal Users [Unlimited Access to Project Content - cannot modify profile]: | | |
| Full Name | Login Name | |
| Nothing found to display. | | |
| Read-only Internal Users [Access only to Content they contributed]: | | |
| Full Name | Login Name | |
| Nothing found to display. | | |
| Customers [Access only to Content they contributed and to Customer Area]: | | |
| Full Name | Login Name | |
| Nothing found to display. | | |
| Competition [No access]: | | |
| Full Name | Login Name | |
| Nothing found to display. | | |
| Non-Customer External Users [No access]: | | |
| Full Name | Login Name | |
| Nothing found to display. | | |

Close Project
Project Status: Active
Enter post-closure project retention (in days) | Close Project

2. Populate project.

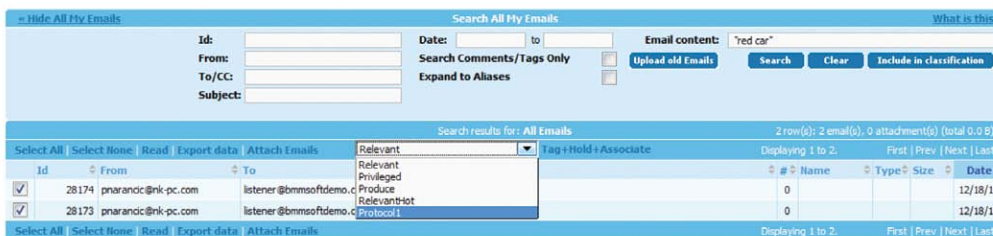
- a. If ingesting source data from another source, ingest into 002-001. This data, by its nature, has already been pre-selected — so no litigation hold processing is required. Once it is ingested into the system, it will not be deleted.
- b. If conducting review based on a dataset already in EDMT® Appliance, you will be able to “hold” and “associate” materials from the lower “All” window, into the upper “Project” window. EDMT® Appliance comes with a pre-generated tag called “HOLD””. Cull the data by searching for **custodians, key words, full text search, relevant dates and correlation with SQL data**, and press the “Tag, Hold and Associate” button (in the ALL window) for the resulting data set. See Illustration #2 below, which shows that email 28196 has been tagged and associated with Project 000-009.

The screenshot shows the EDMT Appliance interface. The top navigation bar includes 'Manage Projects and Users', 'Search', 'Statistics', and 'Rules + Notifications'. Below this, there's a 'Quick Search' section with a 'Choose Project / Choose Project Number' dropdown set to 'Terraganix v. Spartikas (000-009)'. A 'Groups' table lists various email categories like 'A - All Emails for Matter', 'B - Emails from/to Client', etc. The main search results area shows 'Search results for: A - All Emails for Matter' with 0 rows. A second screenshot shows 'Search results for: All Emails' with 10 rows. An orange arrow points to the 'Tag + Hold + Associate' button in the second screenshot.

| Id | From | To | Subject | # | Name | Type | Size | Date |
|-------|-------------------|---------------------------|---------------------------------------|---|-----------------------|------|--------|----------|
| 28196 | pnaranc@rk-pc.com | listener@bmmsoftdemo.c... | test email #5 | 0 | | | | 1/3/11 |
| 28193 | pnaranc@rk-pc.com | listener@bmmsoftdemo.c... | test #4 | 0 | | | | 12/27/10 |
| 28185 | pauk@bmmsoft.com | pnaranc@rk-pc.com, l... | Re: testing FTS on FV | 0 | | | | 12/24/10 |
| 28184 | pauk@bmmsoft.com | pnaranc@rk-pc.com, l... | Re: testing comments search | 0 | | | | 12/24/10 |
| 28180 | pauk@bmmsoft.com | pnaranc@rk-pc.com, l... | Re: testing hold exclude PART TWO | 0 | | | | 12/23/10 |
| 28179 | pauk@bmmsoft.com | pnaranc@rk-pc.com, l... | testing hold exclude | 0 | | | | 12/23/10 |
| 28174 | pnaranc@rk-pc.com | listener@bmmsoftdemo.c... | test 3 | 0 | | | | 12/18/10 |
| 28173 | pnaranc@rk-pc.com | listener@bmmsoftdemo.c... | test 2 | 0 | | | | 12/18/10 |
| 28172 | pnaranc@rk-pc.com | listener@bmmsoftdemo.c... | FTS Test email 1 | 0 | | | | 12/16/10 |
| 28171 | pauk@bmmsoft.com | pnaranc@rk-pc.com, l... | RE: EDMT Outlook plug-in version 1... | 1 | EDMTOutlookPlugIn_... | zip | 1.9 MB | 12/16/10 |

3. Search protocol.

Typically, it is best to agree on a search protocol with audit/compliance officer. For instance, audit/compliance team may agree that a search will be limited to all emails from or to Joe, Mary and Bill, with the words “red car” and “red /io car”. Let’s call this PROTOCOL1. Now create a tag called “PROTOCOL1”. Now, conduct the corresponding searches and associate the “PROTOCOL1” tag with the result set. At the same time, tag the same data set as RELEVANT — so that you can be later able to conduct sub-searches on only RELEVANT-tagged materials. For instance, Illustration #3 below shows 2 emails being tagged with the “protocol1” tag.

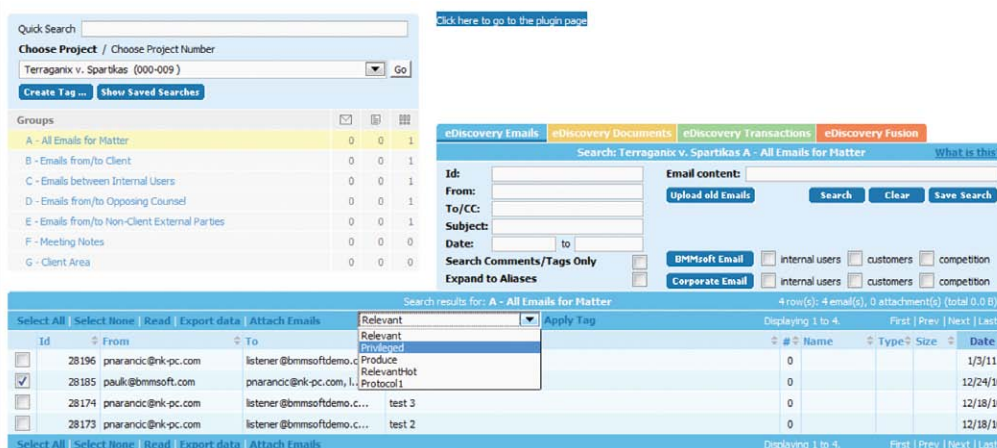


4. Issue tags.

Depending on the complexity of the case, you may wish to associate specific ISSUE TAGS e.g. DAMAGES, or LIABILITY, or INTENT. To be sure that you are only tagging relevant documents, apply these tags only the data set that has already been tagged as RELEVANT.

5. Tag privileged documents.

After applying all RELEVANT tags (and any other Issue tags you may use), conduct a search for privileged documents by doing a sub-search on all RELEVANT -tagged documents. (You can do this searching all tags for ‘RELEVANT’, which will return all documents that have been so tagged). Do separate searches in the “TO” and “FROM” fields for email addresses or email domains associated with legal counsel. Also, you may wish to search for an email domains in the Content search field — to ensure that you are capturing emails that are forwards from legal counsel. Tag the result set with the “PRIVILEGED” tag. For example, Illustration #5 below shows email 28185 being tagged PRIVILEGED.



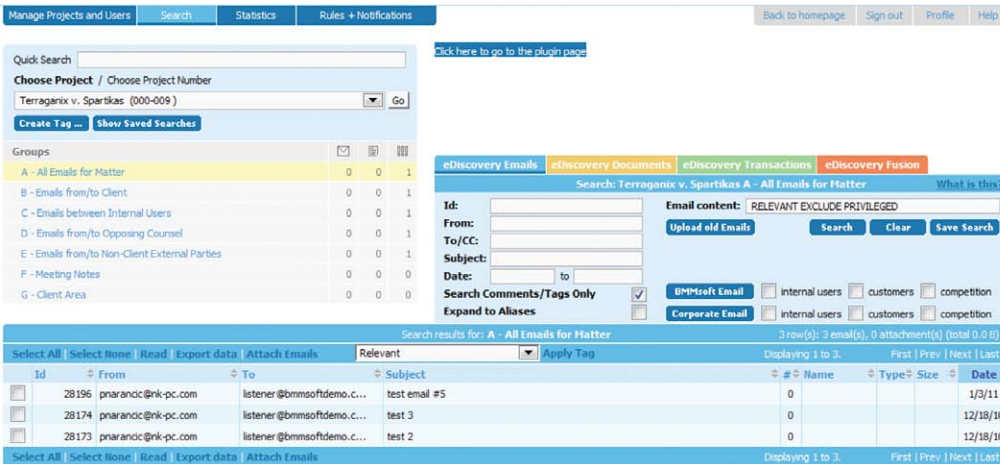
6. Tagging for redaction.

If you anticipate the need to redact documents, add a REDACT tag to those documents that may need redaction.

7. Tagging for production.

At the conclusion of the tagging process, you will have one or more tags associated with items in the data set. To PRODUCE a **responsive, non-privileged** data set, conduct a search for all RELEVANT tags, but excluding all PRIVILEGED tags. To accomplish this, check the “SEARCH TAGS ONLY” box, and enter ordinary search syntax as

follows in the Content field: RELEVANT EXCLUDE PRIVILEGED. Select all the items in the resulting data set (by checking the Select All” box, and then tag these items with the “PRODUCE” tag. See Illustration # 6 below.



8. Exporting for production.

There are various formats available for export. Under Option1 (see Screenshot #7-1 below), a user can insert a prefix for the production for local download. This option is suitable for relatively small productions. Please note that we recommend that users view no more that 1000 files on each page (the number of files viewed on each page can be set under the “PROFILE” tab in the upper right hand of the GUI. Where a production consists of more than 1000 files, and where the user wishes to download the production to a local drive, the user must download each page separately (e.g. 1000 files at a time). If there are multiple volumes of production (e.g. 10 volumes each consisting of 1000 files), all can be written to media (e.g. dvd or separate hard drive).

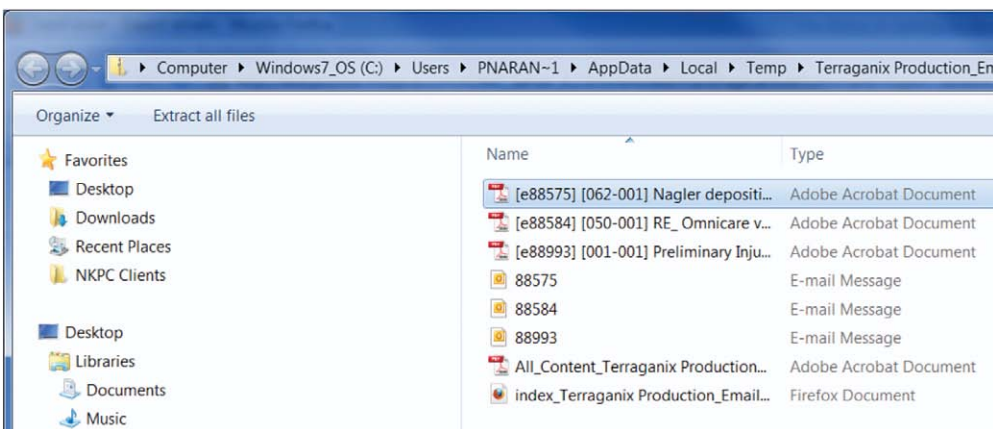
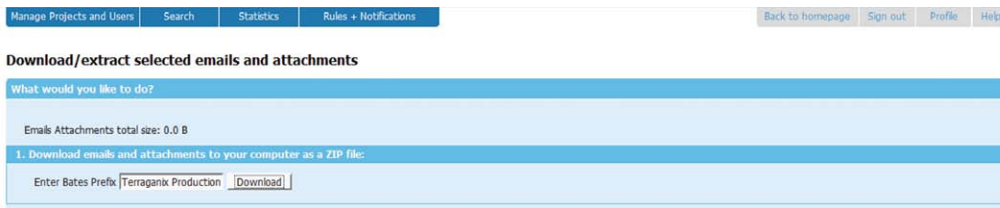


Illustration 7-2, above, shows a data set created by the local download option. The file creates three types of files: (1) pdf’s of each item, (2) .msg (i.e native) format files for each email message, and (3) an aggregated file with sequential numbering (“All Content”). This is very helpful where opposing counsel insists on native production, but where it is also useful to have corresponding Bates numbering on image files.



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