

A Case Study Report on
Hewlett Packard Enterprise Co
v
Manchester Technology Data (Holdings) Ltd
[2019] EWHC 2089

Date of Report:

January 10, 2024

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HPE v. MTDHL [EWHC 2089 (2019)]

1 A Brief History

The two companies of the case have been briefed below.

1.1 Hewlett Packard Enterprise Co

HP is a multinational billion-dollar company founded in 1939 by two engineers Bill Hewlett and David Packard in a garage in Spring, Texas, United States.

Hewlett Packard Enterprise Company (HPE) was founded on November 1, 2015 as a result of the split of Hewlett-Packard Company (HP) into two separate entities: Hewlett Packard Enterprise (focused on enterprise products and services) and HP Inc. (focused on personal systems and printing). The split was part of a corporate restructuring plan to better align each company with its specific business goals and markets.

1.2 Manchester Technology Data (Holdings) Ltd

Manchester Technology Data (Holdings) Ltd (MTDHL), though now dissolved, operated as a UK-registered company from its inception in 2008 until its official dissolution in April 2019. The company was founded on August 4, 2009. The nature of the business was wholesale of computers, peripheral equipment and software. MTDHL as a company may not have matured into its full potential, however, the company did leave a faint mark during its presence in the business landscape.

2 Facts of the Case

The facts of the cases are mentioned below.

2.1 A v B

In this breach of confidence case, the claimant (A) claims that the defendants (B) and a corporation under their ownership that deals with the claimant inappropriately exploited confidential information. The legal action is based on both contractual duties and equitable factors. A Search and Seizure Order (SSO) has been issued to help the claimants gather evidence by giving them access to the respondents' premises, containers, and digital devices. However, a challenge comes up when evaluating the listed items subject to the order. Notably, the claimants' legal representatives have been assigned with carrying out the search. Respondents, on the other hand, believe that prior to any search, they should be given the option to analyze the information themselves in order to identify and safeguard their privacy.

2.2 HP v MTDHL

The legal dispute between Hewlett Packard Enterprise Company (HPE) and Manchester Technology Data (Holdings) Ltd (MTDHL) falls within the purview of the civil procedure in the Chancery Division of the EWHC. The Chancery Division is entrusted with resolving

disputes related to equity, trusts, tax partnership, business, property, and land. The proceedings were under the provisional supervision of Sir George Anthony Mann, known as Judge Mann J.

HPE alleges that MTDHL has engaged in dishonest practices by selling parallel imports, counterfeit goods, or goods originally sold by HPE under the condition that they would be intended for specific end-users and not for resale or into a different market segment. Additionally, HPE seeks the court's intervention to examine documents pertaining to the supply chain, with the objective of addressing issues that are adversely affecting their business.

The court was tasked with determining which party would be granted priority in accessing and examining the data obtained under a Search and Seizure Order (SSO). Two primary concerns emerged during the proceedings: the potential access and misuse of confidential data and the sale of counterfeit goods and imports.

In a manner analogous to the case of *A v B*, Judge Mann J issued an SSO on June 28, 2019, specifically for the trading premises of the defendants. The order granted authority to the search party to inspect, photograph, or electronically image relevant data integral to the case.

3 Legal History of the Case

The legal history of the case is given below.

3.1 Hewlett Packard Enterprise Co

Hewlett Packard Enterprise Company, a derivative of Hewlett-Packard Company (HP), has a legal history dating back to its founding in 1939 AD.

- In the 1990s, HP was embroiled in a significant dispute with Tektronix over inkjet printer innovation, culminating in a settlement in 1997, where HP paid Tektronix \$100 million.
- In 2006, HP faced a scandal involving the leakage of private data from the company's board of directors.
- In 2010, HP settled with the Division of Justice over kickback and fraud allegations within the government contracting trade, paying \$55 million to resolve the case.
- In 2012, HP announced an \$8.8 billion write-down related to its acquisition of the software company Autonomy.
- In 2016, HP reached a settlement with the Securities and Exchange Commission (SEC) over allegations of violating the Foreign Corrupt Practices Act, paying \$52 million.
- In 2019, HP was sued by a shareholder over the acquisition of Xerox, and the case was settled in March 2020 when Xerox abandoned its attempts to acquire HP.

3.2 Manchester Technology Data (Holdings) Ltd

No major legal disputes or regulatory actions found apart from the HPE v. MTDHL [EWHC 2089 (2019)] case.

4 Statutes and other Legislation referred to in the case

The case examines the interpretation and application of the relevant legal rules as they relate to trade secrets and intellectual property rights. It attempts to address the main issues related to the defense of confidential information and the enforcement of intellectual property rights while stressing the complicated difficulties associated with maintaining trade secrets.

4.1 Civil Procedure Act 1997, Section 7a

- **Court's Power to Issue Search Warrants**

Section 7a of the Civil Procedure Act 1997 empowers courts to issue search warrants for protecting property and evidence, including digital data.

- **Digital Evidence Preservation**

Forensic experts can create exact copies (images) of digital data without altering it, ensuring its integrity for legal proceedings.

- **Case-Specific Implications**

In this case, the warrant allowed for:

- Imaging of digital data
- Initial assessment by claimant's attorneys
- Access to data storage devices

- **Jurisdiction and Venue**

Section 7a significantly influences the decision of where legal proceedings should occur and which court has jurisdiction over the subject matter.

4.2 Civil Procedure Rules, rr. 31.5(7), Practice direction p25

31.5(7) - DISCLOSURE AND INSPECTION OF DOCUMENTS

The current Practice Direction to CPR 25 contains a standard form search order which does not refer to computer imaging.

5 Judgement

The court granted the claimant authority to carry out a search in accordance with the order so as to support their allegations of a violation of confidential commercial information. In addition, the court granted two days for the defendant's personal information to be categorized. For this reason, the court has ordered that the keyword search method be implemented.

The claimant is now able to use the search procedure to prove their claim thanks to the court's judgement. Defendants' right to privacy has also been upheld by the court, enabling them to keep their private information concealed from prying eyes.

5.1 Ratio

- In order to safeguard the interests of their clients, the defendants are urged to furnish supplementary keywords aimed at filtering out private, confidential, and irrelevant materials.
- Individuals whose phones undergo search procedures should be afforded the option to personally select keywords, ensuring the exclusion of content that is overtly private and sensitive.
- During the initial two days of the court application, the search process should be temporarily suspended, aligning with the dispute resolution procedure outlined in paragraph 26.3 of the order.

5.2 Obiter

- The judge recommends assessing the defendant's plea to exclude private and confidential material within the framework of the specific requests made.
- The judge contends that the underlying principle supporting this particular phase of the operation does not outweigh the drawbacks associated with delays and added complications arising from an additional step to filter private and confidential information.
- Expressing a view that allowing individuals to propose their own keywords for all other stages of the process would introduce undue complexity, the judge emphasizes the term "obviously" concerning the option for individuals to personally select keywords, specifically to disregard privileged and sensitive information.

6 Citation of the Case in later cases

The case has not been cited in any subsequent legal proceedings regardless of the fact that the case **A v B** and **Hewlett Packard Enterprise Co v Manchester Technology Data (Holdings) Ltd** took place in mid-2019 AD.

There are various possible causes for this omission, two specific causes being:

Distinctive Circumstances: The factual and contextual intricacies surrounding the Hewlett Packard Enterprise Co v. Manchester Technology Data (Holdings) Ltd. case may be exclusive to that specific dispute, potentially restricting its broader application to other scenarios.

Jurisdictional Limitations: It is conceivable that the case was adjudicated within a singular jurisdiction, diminishing its applicability and persuasive influence in legal proceedings conducted in divergent jurisdictions.

7 Significance of the Case to Digital Forensics

- **Confidentiality Cases:** Digital devices and systems are often scrutinized to protect sensitive information, with experts analyzing electronic evidence and potentially using Search and Seizure Orders.

- **Keyword Searches:** Keyword selection and its disputed use highlight the role of digital forensic techniques like keyword searches in isolating relevant data during analysis.
- **Intellectual Property:** Digital records and systems are often examined in intellectual property cases to uncover misuse or misappropriation of proprietary information, showcasing the crucial role of computer forensics in such legal disputes.
- **Data Breaches:** HPE's legal history involving data leaks underlines the importance of computer forensics in addressing and preventing data breaches, with experts investigating how confidential information was accessed and potentially leaked.

8 Conclusion

In summary, the legal proceedings in the case of Hewlett Packard Enterprise (HPE) Co v. Manchester Technology Data (Holdings) Ltd. (MTDHL) centered on issues pertaining to the safeguarding of confidential information and the enforcement of intellectual property rights. Presided over by Judge J Mann, the court was tasked with determining priority access to crucial data and addressing concerns related to counterfeit goods and imports.

While the trial of HPE v. MTDHL held considerable significance during its time, the case has not been referenced in subsequent legal proceedings. Nonetheless, its impact resonates in subsequent cases addressing the protection of confidential information and the enforcement of intellectual property rights.

Contribution to the team

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References

1. *Hewlett Packard Enterprise Co v Manchester Technologies Data (Holdings) Ltd*
Available at: <https://uk.westlaw.com>
2. *A v B England and Wales High Court (Chancery Division) Jul 25, 2019*
Available at: <https://www.casemine.com>
3. *UWE – WestLaw International*
Available at: <https://1.next.westlaw.com>
4. *England and Wales High Court (Chancery Division) Decisions*
Available at: <https://www.bailii.org>
5. *A v B Judgement*
Available at: <https://vlex.co.uk>