**From:** Steven Barton, London Office
**Sent:** 13 November 2014 09:56
**To:** Simon Barton, London Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Simon, just tried to call you. Where the hell are you?

We stand to lose all of Braithwaite’s business – repeat, ALL of it – because of the most absurd and possibly preventable cock up.

See exchange below, which will take you some time to get through, but is going to be all too clear, I’m afraid. We may be well and truly buggered here. I don’t know what our actual legal exposure is. What is our duty of care in respect of e-mail security anyway? Who in the firm worries about this sort of thing?

And who were those people who talked about e-mail security and encryption software and all that at the last Board Meeting? We had better get them back in here ASAP.

BTW, not that it matters, but I think I’m having a f---king heart attack. Would you please for f---ks sake CALL ME as soon as you get this?

Steven

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**From:** Steven Barton, London Office
**Sent:** 13 November 2014 09:56
**To:** S.Neville Smith-Hepworth, Hong Kong Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Oh God. This is a bloody nightmare. All right. Do NOTHING for now, do you understand? I need to get in touch with my brother and figure out how to handle this. Don’t tell anyone anything about this, all right? It’s vital that we get our ducks in a row before it all becomes public.

You had better be right about this, Neville. For now, just get back to Hong Kong, go home, and KEEP YOUR MOUTH SHUT.

Regards,

Steven Barton

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**From:** S.Nevill Smith-Hepworth, Hong Kong Office
**Sent:** 13 November 2014 16:59
**To:** Steven Barton, London Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

It is apparently a lot more common than we imagine, sir. A good percentage of the world’s e-mail traffic is routed through servers that are located in China where they offer cheap IT services globally. And anything that isn’t encrypted can be opened and read.

If I may say so, Mr Barton: it was bad luck that your message was opened and read by someone who took a particular interest in its contents; but, inasmuch as it was unencrypted, it was probably quite foreseeable that it could be opened and read by *someone*.

HNSH

**From:** Steven Barton, London Office
**Sent:** 13 November 2014 09:56
**To:** S.Neville Smith-Hepworth, Hong Kong Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

That’s nonsense, Neville. Why would an e-mail from me to James, two people in London, get sent via bloody China?!

Regards,

Steven Barton

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**From:** S.Nevill Smith-Hepworth, Hong Kong Office
**Sent:** 13 November 2014 16:42
**To:** Steven Barton, London Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Mr Barton –

I now know exactly what happened here. I regret to tell you, sir, that Bartons actually is the source of the leak after all.

I went to Zhang Cheung’s home earlier today. In contrast to his brother, when I started asking him questions about solar-powered tanning beds, he remained completely at his ease. Indeed, he just smiled and said he had been working on “his” invention for many years, and was very proud of “his” design. He admitted that he knew who Mr Braithwaite was, at least by reputation, but denied having seen or knowing anything about the Green-O-Tan-O-Matic. I noted (as drily as I could, sir, meaning it to sting) that there was a remarkable similarity between his Greener Tanner and the plans that Braithwaite had handed over to us, and an equally remarkable closeness in time between his filing and ours. This only made Zhang Cheung smile more broadly. I became quite certain that he had got hold of information about Braithwaite’s design. Indeed, my impression was that he knew that I knew he had done so, and was effectively making no attempt to hide the fact, because he was perfectly confident that I couldn’t prove anything against him – which was, of course, true.

It was a frustrating interview. However, as I was leaving his building, a voice behind me called my name. It was Zhang Cheung’s wife, Huang Bo. She had been present during our discussion, but had said nothing, and I confess I had not paid her much attention. In short order, however, she told me everything I needed to know.

Huang Bo works for a major Chinese IT company that provides email services, where she is a technician in charge of an array of large internet servers through which e-mail messages from all over the world are processed. Apparently, messages can at times become “stuck” at the server, blocked from being sent on by various filters and protocols (for example, because of technical problems, suspected viruses, inappropriate content, etc.). When this occurs, someone needs to open and review the message to see if it has been blocked in error. Huang Bo’s responsibilities include making these sorts of checks.

A few weeks ago, she opened a message that had become “stuck” in one of the company’s servers. There was nothing wrong with the message, but she found it interesting, because it related directly to her husband’s primary field of expertise – alternative energy applications. In short, Mr Barton, the e-mail was a message sent by you to James, setting out your comments on the portion of the Green-O-Tan-O-Matic patent application that described in detail the technical specifications for the invention. Huang Bo had shared a copy of the e-mail with her husband – purely because she thought it would interest him, she claimed, and never dreaming that he would try to steal the invention and secure rights in it himself. But they have been having money troubles recently, etc.

Huang Bo was unwilling to extend the conversation for very long, but I found her quite credible. So I think – or rather, I fear – we have our answer, Mr Barton. What should I do now?

SNSH

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**From:** Steven Barton, London Office
**Sent:** 12 November 2014 19:03
**To:** S.Neville Smith-Hepworth, Hong Kong Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Well, that sounds like progress. But, we’re still no further along in terms of uncovering the leak.

The key question is still: How is it that confidential documents held in London find their way to Shanghai?

One thing you’ll need to check is whether Zhang Cheung has been in the UK at all recently. That could explain it.

And there is another possibility we need to examine. It’s occurred to me that I could perhaps be wrong about my brother James. I hesitate to believe it – he’s been a Senior Partner in the business for 10 years now. Still, you had better try to find out if he has any connection with Zhang Cheung.

What a bloody mess.

(You will of course judge for yourself, Neville, what constitutes an appropriate view with respect to the firm’s meal reimbursement guidelines. For my own part, if I were a senior associate coming up for partnership review in just a few months’ time, I think I would wish to avoid overly creative and possibly tendentious interpretations which could raise doubts in some minds as to my ethics or character.)

Regards,

Steven Barton

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**From:** S.Nevill Smith-Hepworth, Hong Kong Office
**Sent:** 12 November 2014 22:07
**To:** Steven Barton, London Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Mr Barton –

The investigation has taken an interesting – indeed, possibly a sinister – turn.

It has emerged that Zhang Jin has a brother, one Zhang Cheung. (I have omitted the potentially extraneous detail regarding how I came to know this. I do apologise, sir, for going on a bit in my last report. I have been told from time to time that my writing displays an unfortunate tendency toward a somewhat unnecessary prolixity. I am taking a course on ‘Writing for Legal Professionals”, Mr Barton, to improve my skills. A further account of which I will omit on grounds of likely extraneousness.)

Of particular interest is that this brother, Zhang Cheung, was educated in the United States, where he studied alternative energy technologies at the California Institute of Technology. No doubt you have seen the relevance immediately, sir: having studied in California he would no doubt have obtained both an avid interest in and considerable knowledge with respect to skincare – and more particularly, *suntanning*. Coincidence? Perhaps, but it seems unlikely. I thus surmise that it was Cheung who got hold of Braithwaite’s designs for the Green-O-Tan-O-Matic, and that he then induced his brother to make the patent filing in order to avoid arousing suspicion.

But that still leaves the question of how he managed this – that is, what was the source of the leak? I confess I have made no progress on this point yet, Mr Barton. But I have uncovered a possible address for Zhang Cheung, which I will check out tomorrow.

You are quite correct, sir, that Club Jinmao would ordinarily be beyond the reach of a mere senior associate. However, I skipped lunch that day, and so reasoned that by pooling the reimbursement rates for lunch and dinner together I could cover my total meal expense for the day.

SNSH

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**From:** Steven Barton, London Office
**Sent:** 12 November 2014 07:21
**To:** S.Neville Smith-Hepworth, Hong Kong Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Well done, Neville. You are right, this is damn puzzling. How is it that you are able to put your stomach before the reputation and welfare of Barton Barton Barton and Barton. Get focussed.

Still, your wanderings appear to have turned up an interesting clue.

A Shanghainese chef? How should he know anything about solar power? What possible link could he have with BFD?

Well, you’d better make damn sure you stay on top of this, young man. I’ll expect your next report tomorrow (from which I hope you will feel free to omit, shall we say, the extraneous detail).

BTW, I would be somewhat surprised to learn that the cost of dinner at Club Jinmao falls within the firm’s guidelines with respect to reimbursement of work-related meal expenses. But no doubt you have taken this into account.

Regards,

Steven Barton

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**From:** S.Nevill Smith-Hepworth, Hong Kong Office
**Sent:** 12 November 2014 08:45
**To:** Steven Barton, London Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Mr Barton –

Here is an interim report with respect to the progress of my inquiries.

I flew to Shanghai more or less immediately following our original conversation. The matter was, initially, frankly rather puzzling. Tracing the address indicated in Zhang’s patent filing – 88 Century Avenue in the Pudong district – I arrived at the Jin Mao Tower, a landmark skyscraper completed in 1998 that has a prominent place in the famous Shanghai skyline. This did not seem necessarily remarkable on its face. However, the address specified in the filing referred to the 86th Floor of the building, which on arrival I found is occupied not by offices or residences, but by Club Jinmao, a highly regarded restaurant within the Grand Hyatt Shanghai (which occupies the top 36 floors of the tower).

As I say, this left me extremely puzzled and somewhat at a loss. However, since it was by now late in the day and I had not eaten since breakfast, I decided to sit down for a meal while I pondered my next move.

My understanding is that people often go to Club Jinmao more for the view than for the cuisine. But I must tell you, Mr Barton, that in my opinion the food was truly excellent. There was, in particular, one dish – a Shainghainese seafood soup – that left me speechless with admiration. It was not very remarkable in appearance, nor particularly arresting in its taste or texture. But little by little, the subtlety of the thing began to shine through – as if the very sea had distilled itself into my bowl! Well, a difficult thing to describe, but it really was extraordinary.

I decided that I really must express my appreciation to whoever was responsible for this marvel of culinary art. So I asked if the chef was at liberty to come out of the kitchen. You may imagine my surprise when I was introduced to – Chef Zhang Jin! Now, this is a relatively common Chinese name, so I thought at first it might be no more than a coincidence that the Club Jinmao chef had the same name as the man I had come to Shanghai to find. But no – when I asked if by any chance he designed solar-powered tanning beds on his off days, he grew visibly agitated and quickly put an end to the conversation.

In short, sir, the man we are after appears to be the head chef in a prestigious hotel restaurant in Shanghai. I intend to resume my inquiries tomorrow, and will let you know what else I am able to learn.

SNSH

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**From:** Steven Barton, London Office
**Sent:** 11 November 2014 16:43
**To:** S.Neville Smith-Hepworth, Hong Kong Office
**Subject:** Re: Highly Confidential – Braithwaite’s New Invention

Thank you, Neville. I think you have it all straight.

As I told you, I am quite certain that the leak could not have come from us. James Barton and I were the only people here who knew anything about this, and I’m as sure of him as I am of myself.

Braithwaite himself must be the source somehow, despite what he says. This Zhang character has to be connected with Braithwaite, or somebody else at BFD. You need to find out who, and how.

And I am sure that I need hardly stress how high the stakes are here – both for the firm, and for you personally.

Regards,

Steven Barton

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**From:** S.Nevill Smith-Hepworth, Hong Kong Office
**Sent:** 11 November 2014 21:19
**To:** Steven Barton, London Office
**Subject:** Highly Confidential – Braithwaite’s New Invention

Mr Barton -

It was a pleasure speaking with you earlier today. I want to assure you that I appreciate the urgency and importance of this matter, and will give it my full attention beginning immediately.

To ensure that I have understood the facts correctly, I will restate them briefly here.

BACKGROUND

Braithwaite is a longstanding client of the firm’s intellectual property group, BBB&B (in the person of yourself, sir) having assisted him in filing his first patent application more than 20 years ago. This was for the Peel-O-Matic, the world’s first fully automated vegetable and fruit peeling machine for home use. The success of the Peel-O-Matic made Braithwaite both wealthy and famous, and enabled him to establish Braithwaite’s Fabulous Devices Ltd.

BFD has been one of our most important relationships ever since – in addition to being their first choice for IP work, we routinely represent them in corporate and financing matters. Moreover, last year, Bartons’ New York office won the coveted role of lead counsel in the defence of BFD’s US affiliate in a major class action product liability suit. That action arises out of (alleged) defects in the design and manufacture of the company’s Vibr-O-Matic massage chair, which (allegedly) is responsible for the deaths of three people and the permanent disfigurement of over 100 others, as well as the disappearance of an unknown number of household pets. On top of our other work for them, the time we racked up on the so-called “Comfy Chair” litigation meant that BFD accounted for more than 15% of our total global billings last year.

ISSUE

A few months ago, Mr Braithwaite called you to say that he had come up with a new invention which he was convinced would be BFD’s biggest selling product yet: the Green-O-Tan-O-Matic. This, it emerged, is the world’s first solar-powered suntanning bed. Mr Braithwaite was extremely excited about the commercial potential of his new invention, and instructed that the initial patent filing be made as quickly as possible, lest someone else get the jump on him.

When he brought you his drawings and other work papers, he stressed the need for absolute secrecy. You assured him that you would prepare the application yourself, together with a single associate, in order to ensure that security would be maintained and that there would be no possibility of a leak prior to filing.

The filing was made last week. Inexplicably, however, you received a call this Monday from one of your contacts in the Patent Office, giving you an informal “heads up” that someone in Hong Kong had filed paperwork on a solar-powered suntanning bed only a few days before we made our filing in respect of the Green-O-Tan-O-Matic. Moreover, on reviewing the paperwork, it is clear to you that the filer must have had access to information about Braithwaite’s design when preparing his application – the similarities between the filer’s invention (dubbed the “Greener Tanner”) and Braithwaite’s own are simply too many and too close to have come about by chance.

When informed of these matters yesterday, Braithwaite became extremely upset, insisting that he had shared his plans with absolutely no one other than you, and that since he knew that he himself was not the source of the leak, it could only have come from someone at Bartons. He has demanded a satisfactory explanation of how this happened, saying that if none is forthcoming he will have no choice but to withdraw all of BDF’s business (including the Comfy Chair litigation) from the firm, and to consider bringing a suit against us for negligent failure to exercise due care for the security of his intellectual property.

ASSIGNMENT

Against this backdrop, you have instructed me to initiate an investigation into the filer of the Greener Tanner patent application – a certain Zhang Jin of Shanghai – with a view to learning how he might have come into possession of Braithwaite’s plans.

If there is anything I have misunderstood, or anything else you believe I should be aware of, please let me know. I will be back in touch as soon as I have anything concrete to report.

Yours,

SNSP