

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND & WALES
INTELLECTUAL PROPERTY LIST (ChD)

Claim No: IL-2021-000019

B E T W E E N :

CRYPTO OPEN PATENT ALLIANCE

Claimant

-and-

DR CRAIG STEVEN WRIGHT

Defendant

SECOND JOINT EXPERT REPORT
OF PATRICK MADDEN AND DR SIMON PLACKS



Structure of this Report

1. This report is separated into three sections,
 - a. Scope of expert discussion
 - b. General areas of agreement and disagreement with discussion on specific digital artefacts
 - c. The specific documents analysed by both experts

Scope of expert discussion

2. This joint report is limited to a review of
 - a. specific review of the 23 documents listed in the document “Schedule of Dr Wright’s Forged Documents” that were not covered in Dr Placks first report;
 - b. Technical explanations from various witness statements of Dr Wright;
 - c. general areas of agreement and disagreement; and
 - d. review of other documents from the production set that relate to the analysis of the 23 Documents.

Areas of General Agreement and Disagreement

Specific documents

3. Both experts have analysed the documents and categorised them as being **Manipulated**, being **Unreliable**, or having **No reason to doubt the authenticity**. These categories can be described as:
 - a. **Manipulated**– the document contains sufficient anomalies, irregularities and/or post-dated timestamps to conclude that the timestamps recording when the document (or the records contained therein) were created, last modified, saved or accessed are likely to have been manipulated by a user such that they record non-contemporaneous values.
 - b. **Unreliable** – this category applies to documents which exhibit characteristics including:
 - i. Contains sufficient anomalies or irregularities to doubt whether document timestamps are contemporaneous, but not sufficiently to firmly conclude them as being manipulated;

- ii. Has been subjected to contamination which may be put down to the disclosure collection/production process, and should be provided in its original form or as a full forensic image of the collection before it can be relied upon;
 - iii. Requires access to additional information (if it exists) that was not included within the disclosure dataset, for example the context of the document within the storage device or computer from which it was collected.
 - iv. Some combination of the above.
- c. **No reason to doubt the authenticity** – the document bears no indications of tampering, manipulation, or backdating. Inauthenticity cannot be ruled out based on the digital evidence alone, but no such indications were found.
4. The discussion mainly focused on:
- a. Whether the Document timestamps are reliably authentic to their purported dates, or whether they show signs of being backdated;
 - b. Whether the content of the documents exhibited indications of manipulation to alter the content of the document from its original form
5. The table below summarises where we agree and disagree about the categorisation of the documents reviewed. Where we agree on a category that is indicated with a tick. In circumstances where we disagree, both our views are indicated with our initials plus a summary of reasons in the Notes column.

Document	Manipulated	Unreliable	NRTD	Notes
ID_000073	✓			
ID_000465	✓			
ID_000536	✓			
ID_000537	✓			
ID_000538	✓			
ID_000739	✓			
ID_000848	PM	SP		
ID_001317	✓			
ID_001318	✓			
ID_001386	✓			
ID_001421	✓			
ID_001541	✓			
ID_001919	PM	SP		<p>Both experts agree that there is no internal metadata within ID_001919 that indicates whether the hardcopy document underlying ID_001019 existed before 23 November 2015</p> <p>PM – takes account of the following points: 1. The content, including the purported July 2011, date matches identically the content of the MS Word document ID_001904 which is recorded as having been created on the same day as the document scan, 23 November 2015. 2. That Dr Wright had not purchased the shelf company “Tulip Trust Ltd”, to which this document relates, until October 2014.</p> <p>SP – states that the document that was the source of the underlying hardcopy document has not been ascertained from analysing ID_001919 and there is no direct link from the scanned document itself to any particular source.</p>
ID_001925	✓			
ID_001930	✓			
ID_003330	PM	SP		<p>Both experts agree that there is no internal metadata within ID_003330 that indicates whether the hardcopy document underlying ID_003330 existed before 04 September 2019.</p>

Document	Manipulated	Unreliable	NRTD	Notes
				<p>PM – takes account of the content being consistent with the content of other disclosed documents, ID_000537, that he has concluded is inauthentic.</p> <p>SP – states that the document that was the source of the underlying hardcopy document has not been ascertained from analysing ID_003330 and there is no direct link from the scanned document itself to any particular source.</p>
ID_003455	PM	SP		<p>PM – takes accounts of the various anachronistic visual aspects of the screenshots, and various other aspects as detailed in his report</p> <p>SP – states that the screenshots embedded within these emails contain no metadata that could verify whether they are or are not true representations of records contained within the data source. As screenshots are easily edited they are not reliable indicators of such records.</p>
ID_003732	✓			
ID_004019	PM	SP		<p>Both experts agree that there is no internal metadata within ID_004019 that indicates whether the hardcopy document underlying ID_004019 existed before 17 September 2019.</p> <p>PM – takes account of the following points: 1. The alternate fonts displayed in the Accessed date for “08” in “2008” and the “11” in “11:17”; 2. The mismatched footer style that contradicts the typical footer style of JSTOR documents from 2008, but matches those from 2015</p> <p>SP – states that the document that was the source of the underlying hardcopy document has not been ascertained from analysing ID_004019 as there is no direct link from the scanned document itself to any particular source. The footer style in use at that time should be verified with JSTOR.</p>
ID_004515	✓			
ID_004516	✓			

6. For email message disclosed as ID_001546, Both experts agree that while the 28 January 2014 date of the email appears to be authentic, the email itself is not a genuine email from the email

address “satishi@vistomail.com”. This email was not authenticated using the Vistomail infrastructure and indicates the use of unrelated email infrastructure used to transmit the mail message. The email header includes an SPF failure, “Received-SPF: fail (google.com: domain of satoshi@vistomail.com does not designate 199.79.62.121 as permitted sender)”, indicating that the source IP address was not authorised to send emails for the vistomail.com domain.

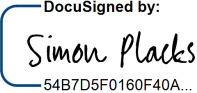
7. For email message disclosed as ID_002586, Both experts agree that the 06 June 2015 date of the email appears to be authentic, the email itself is not a genuine email from the email address “satishi@vistomail.com”. This email was not authenticated using the Vistomail infrastructure and indicates the use of unrelated email infrastructure used to transmit the mail message.
8. The experts have also discussed the content of the witness statements of Dr Wright in relation to aspects of his technical infrastructure. The experts agree that:
 - a. MS Word does not behave in the manner summarised by Dr Wright in his 9th Statement Appendix A, with respect to how updating template files might result in the ingestion of post-dated artefacts into existing files.
 - b. The possibility of data recovery tools or a misconfigured SAN being responsible for splicing different documents together resulting in collection of functioning documents as found in the disclosure dataset is highly unlikely and would result in recognisable indicators of corruption in discrete 512 byte blocks within those files;
 - c. The information supplied in the witness statements of Dr Wright does not change any of our conclusions.

DECLARATION

1. I understand that my duty is to help the Court to achieve the overriding objective by giving independent assistance by way of objective, unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. I understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with and will continue to comply with that duty.
2. I confirm that I have not entered into any arrangement where the amount or payment of my fees is in any way dependent on the outcome of the case.
3. I know of no conflict of interest of any kind, other than any which I have disclosed in my report. I do not consider that any interest affects my suitability as an expert witness on any issues on which I have given evidence.
4. I will advise the party by whom I am instructed if, between the date of my report and the trial, there is any change in circumstances which affects this.
5. I have shown the sources of all information I have used.
6. I have exercised reasonable care and skill in order to be accurate and complete in preparing this report.
7. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
8. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others including my instructing lawyers.

9. I will notify those instructing me immediately and confirm in writing if for any reason my existing report requires any correction or qualification or my opinion changes.
10. I understand that:
 - a. my report will form the evidence to be given under oath or affirmation;
 - b. the court may at any stage direct a discussion to take place between experts and has done in this case;
 - c. the court may direct that, following a discussion between the experts, a statement should be prepared showing those issues which are agreed and those issues which are not agreed;
 - d. I may be required to attend Court to be cross-examined on my report; and
 - e. I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
11. I have read Part 35 of the Civil Procedure Rules and I have complied with its requirements. I am aware of the requirements of Practice Direction 35 and the Guidance for the Instruction of Experts in Civil Claims 2014.
12. I confirm that I have acted in accordance with the Code of Practice for Experts.
13. I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.

Signed: 
5943D537458F4C0...

Signed: 
54B7D5F0160F40A...

Annex 1: Documents Listed in the “Schedule of Dr Wright’s Forged Documents”

ID_000073	ID_001925
ID_000199	ID_001930
ID_000217	ID_002586
ID_000227	ID_003330
ID_000254	ID_004011
ID_000258	ID_003455
ID_000260	ID_003702
ID_000367	ID_003732
ID_000371	ID_004010
ID_000395	ID_004013
ID_000396	ID_004019
ID_000462	ID_004077
ID_000465	ID_004078
ID_000504	ID_004079
ID_000525	ID_004515
ID_000536	ID_004516
ID_000537	
ID_000538	
ID_000549	
ID_000550	
ID_000551	
ID_000554	
ID_000568	
ID_000569	
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ID_001421	
ID_001541	
ID_001546	
ID_001919	