



FOR IMMEDIATE RELEASE

**Media Contact:**  
Sabrina Sanchez  
Ventana Public Relations  
(925) 875-1968  
[sabrina.sanchez@ventanapr.com](mailto:sabrina.sanchez@ventanapr.com)

## **ANNIVERSARY OF FEDERAL RULES OF CIVIL PROCEDURE AMENDMENTS DEMONSTRATE REQUIREMENT FOR EMAIL ARCHIVING WITH EDISCOVERY**

***Advances in Email Discovery Provides Enterprises with Rapid, Comprehensive Search Across  
Millions of Emails for Litigation Ready Production***

**SANTA CLARA , Calif. – December 3, 2007** – Mimosa Systems™, a leader in live content archiving solutions, today pointed to advancements in email archiving that are addressing the demands of the December 1<sup>st</sup>, 2006 amendments to the Federal Rules of Civil Procedure (FRCP). The one year anniversary of the FRCP mandates mark significant technology advancements in email archiving for enterprises adopting eDiscovery applications to execute litigation holds, comprehensive searches, and information audits to ensure compliance.

"The December 2006 amendments to the Federal Rules of Civil Procedure for Electronic Discovery ushered in the use of email archiving for legal document retention and preservation," said Vivian Tero, Senior Research Analyst, Compliance Infrastructure, IDC. "The eDiscovery rule changes eliminated the need for emails to pass the hearsay test; hence, more companies are deploying email archiving applications to manage critical email as business records and to address future discovery burdens, as opposed to just meeting mailbox management and storage optimization needs."

The first wave of live content archiving products came to market in 2002 in response to the compliance regulations in the dealer/broker and financial services sectors. This was followed by the second wave resulting from litigation readiness requirements for Electronically Stored Information (ESI) - hastened by the amended FRCP requirements. These amendments further strengthened the expectations that companies must follow in federal litigation, especially in relation to electronic records.

The amendments were applied to Rules 16, 26, 33, 34, 37 and 45 and targeted at ESI. The amendments defined a new reality in how email is stored, retained and produced when called for. The amended Federal Rules of Civil Procedure are available at <http://www.uscourts.gov/rules/newrules4.html>.

Since the FRCP changes, the discovery of email for litigation has become a critical component of legal inquiries. In the past, organizations had to rely on much riskier manual processes to sift through enormous amounts of enterprise data located on production servers, backup tapes, removable media and desktops spread throughout the company. This approach left companies vulnerable because of the sheer volume of emails and files that must be found and sifted through with no assurance the information needed could be uncovered to meet legal requirements. To address the enormous drain on corporate resources, companies are adopting content archiving solutions to automate eDiscovery and rapidly uncover responsive email, files and other data in a cost effective manner to reduce costs and ensure compliance.

Email archiving provides important benefits for companies required to satisfy data governance with respect to FRCP, but also supports regulatory governance, information management and optimization, knowledge management, data mining and data protection. Most information created by employees and

other stakeholders today is stored in electronic files, largely in the email systems. Email archiving provides a mechanism for retaining, securing and producing that data when required.

"To satisfy the broad requirements of the amended FRCP, organizations should implement systems that can capture, store and produce electronic information on demand in a cost-effective and timely manner," said Bill Savarino, a partner in the Washington, DC-based law firm of Cohen Mohr LLP who specializes in legal issues involving email retention, government contracts, and security. "I have found that the best method for storing email, instant messages and other types of electronically stored information is an integrated content archiving system."

"More and more companies are investing in email archiving as they become aware of the substantial legal risk and cost of missing information," said Bill Tolson, director of compliance and legal solutions marketing at Mimosa Systems. "Analysts estimate that the average eDiscovery event costs \$1.5 million, and the number of eDiscovery events is on the rise. Companies that fail to execute properly on litigation requests have been fined huge sums of money and have lost their cases, resulting in significant business disruption. This is a preventable situation made possible by a new generation of archiving and eDiscovery technologies."

#### **About Mimosa NearPoint**

Mimosa NearPoint™ for Microsoft® Exchange Server addresses critical customer requirements around email information archiving, eDiscovery, regulatory compliance, business continuity, and storage optimization. Mimosa NearPoint provides legal search workflow, immediate mailbox and message recovery, disaster recovery, email archiving, and self-service search and access in one solution. By leveraging cost-effective storage, NearPoint also optimizes email storage and reduces overall infrastructure costs.

#### **About Mimosa**

Mimosa Systems, Inc. delivers next-generation information management solutions for information immediacy, discovery, and continuity. Mimosa NearPoint for Microsoft Exchange Server is the industry's most comprehensive information management software solution for Microsoft Exchange, unifying email archiving, recovery, and storage management. With options for eDiscovery and disaster recovery, NearPoint ensures litigation readiness and email continuity while leveraging cost-effective disk technologies to optimize email storage growth. Mimosa is a Microsoft Gold Certified Partner, recognized for its competencies in networking infrastructure solutions, ISV/software solutions, and advanced infrastructure solutions. Mimosa is a privately held company whose investors include August Capital, Clearstone Venture Partners, Dot Edu Ventures, JAFCO Ventures, and Mayfield Fund. Mimosa was founded in 2003 and is based in Santa Clara, California, with offices in Munich, Germany and Pune, India. For more information, see [www.MimosaSystems.com](http://www.MimosaSystems.com).

###

#### **Mimosa Systems**

3200 Coronado Drive, Santa Clara, California 95054  
408.970.9070

*Mimosa, Mimosa Systems, Mimosa NearPoint, and NearPoint are trademarks of Mimosa Systems. All other product and company names herein may be trademarks of their respective owners.*