

## Atlanta Journal-Constitution, The (GA)

December 25, 2003

**Section:** Business

**Edition:** Home; The Atlanta Journal-Constitution

**Page:** C1

### Firstwave abandons lawsuit Software company alleged its Web site was breached

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Firstwave Technologies withdrew a damages suit against a "John Doe" who found a profit warning on the company's Web site before it was officially released, and then posted it on a Yahoo message board.

The suit was filed July 18 in Cobb County Superior Court.

Atlanta-based Firstwave had alleged that its computer privacy was invaded and had sought the identities of the "John Doe" as well as those of other message board users.

The software company later withdrew subpoenas for all but the first "John Doe."

That came after the Washington-based Public Citizen Litigation Group threatened to contest the issue on First Amendment grounds.

Firstwave did not explain why it withdrew the complaint this month.

"They didn't have enough merit to their suit," said Weston, Fla., attorney **Paul Silverberg**, who was hired by the first "John Doe."

His client, said Silverberg, "did nothing wrong. He found out news that Firstwave let out and they claimed he got it illegally, which is not true."

Firstwave could refile the suit, Silverberg said. But, he added, "My estimate is this is probably the end of it."

On July 9, Firstwave put a preliminary second-quarter earnings announcement on its Web site, in a location the company said was not open to the general public. The next day, a link to the announcement was posted on the Yahoo message board.

The announcement, which was not released by the company until July 11, said the quarterly results would be affected by the fact some consumers delayed orders for Firstwave's customer relationship software. The news sent Firstwave's stock down 20 percent.

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