

Forgotten but not Gone

By Reg P. Wydeven
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The leather jacket. The fedora. The bullwhip. Who could ever forget the accessories of Indiana Jones, the most famous archaeologist of all time. I remember when my folks took us to see 'Raiders of the Lost Ark' when I was little. I was mesmerized while watching Indy get past all those booby-traps and escape a giant rolling boulder to liberate a long lost statue. And I thought it was pretty cool that his pilot's pet snake was named Reggie.

Harrison Ford was able to make one of the most boring jobs in the world - digging holes and painstakingly sifting through dirt looking for clues of ancient civilizations - seem daring and exciting. Archaeologists are required to be some of the most patient people on earth. After all, they examine literally tons of rubble in search of tiny, long-forgotten treasures.

Thanks to the Wayback Machine, many people, especially lawyers, are now getting a little taste of what it feels like to be Dr. Jones.

The Wayback Machine, found at www.waybackmachine.org, is a massive archive of internet web pages. Named for the time-travel device from the 'Rocky and Bullwinkle' cartoon, the site is a free service that allows computer users to access abandoned or defunct web pages and prior versions of updated sites. The nonprofit group Internet Archive created the Wayback Machine in 1996 as an expansive digital repository of cultural artifacts, such as old TV shows, books and live musical recordings.

Users can search the database, which has over 40 billion web pages, by looking up specific web addresses. The Wayback Machine utilizes computer programs known as 'bots' that crawl the internet and create electronic copies of information they come across. Popular search engine Google has a similar system called Google Cache, which is less extensive. Google Cache is named after a computer term for a place where information is stored, and it operates by directing users to view sites as Google last indexed them, which it does often.

Lawyers are using the Wayback Machine more and more as a means of retrieving evidence to use in trials. Using the website, attorneys are able to resurrect web pages containing information that is sometimes almost a decade old. To borrow a phrase from another popular '80s movie, the Wayback Machine allows lawyers to bring web pages from the past 'Back to the Future'.

For instance, Dell, Inc., makers of Dell computers, issued 'cease and desist' letters to Innervision Web Solutions, an obscure computer company, to stop using the web site 'DellComputersSuck.com' to promote its products. After receiving the letters, the company overhauled the site and discontinued using it to market its computers.

Still not satisfied, Dell sued to seize the web address. To do so, Dell had to prove to an arbitration panel that the site had been used in "bad faith." Using Wayback Machine, Dell's lawyers were able to obtain copies of the deleted site and prove that Innervision used it to redirect consumers to its site. The arbitration panel then ordered Innervision to transfer the domain name to Dell.

Utilizing the site as a means of discovery has become so common, like in cases involving EchoStar Communications Corp. and Playboy Enterprises, Inc., lawyers have made it into a verb, as in, "can you Wayback that?"

Because the Wayback Machine is such a useful tool for lawyers, I might just have the excuse I need to get the fedora and whip I used for my 6th grade Halloween costume out of the attic.

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