

Trade Secrets

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Litigation

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The Trade Secrets Group takes a global approach to protecting your trade secret information to ensure that your business is comprehensively protected from trade secret theft and unfair competition. This includes developing best practices for protecting trade secret information, training employees and managers about the importance of trade secret protection, and bringing enforcement actions to recover stolen trade secret information.

Advice, Policy Development & Training

Your company's trade secret and confidential information is critical to your success and maintaining your competitive advantage. Consequently, it is important to affirmatively adopt policies, procedures and contracts that identify and protect your confidential information before someone misuses it. Our team works with your company to develop industry-specific procedures and policies focused on the specific threats and competition your business faces.

We know that departing employees, third parties with access to your critical information, and foreign governments can pose a significant risk of trade secret theft. We draft confidentiality, non-disclosure and assignment of inventions agreements, as well as non-compete and non-solicitation agreements designed to protect against unfair competition and trade secret theft, and we advise businesses on managing the risks associated with terminated or departing employees.

Litigation

When a former employee or competitor is using confidential information or stealing your trade secrets, immediate action is needed. Our trade secret litigation team has extensive experience seeking and defending temporary restraining orders and injunctions relating to use of confidential and trade secret information by former employees and competitors. We aggressively litigate to ensure that your business is protected.

Experience

Litigation

- Obtained preliminary injunction against former employee who took protected customer information, even though non-compete was unenforceable under California law.
- Represented medical device company in evaluation of criminal liability for trade secret theft by departed employee, and working with governmental agencies to

pursue criminal indictments against the employee.

- Represented a software executive and a software engineer in a claim brought against them by their former employer for breach of fiduciary duty and theft of trade secrets, resulting in summary judgment for the defendants, absolving them of all liability.
- Successfully defended and avoided litigation against software developer regarding claims that it had misappropriated its joint developer's trade secrets and violated a written non-disclosure agreement.
- Successfully enforced post-termination non-compete obligations of former franchisees via preliminary injunction and obtained return of proprietary and confidential information.
- Represented client in the equipment calibration industry involving claims of trade secret/confidential information misappropriation and non-compete claims. The matter resolved favorably for our client.
- Represented client in the pharmaceutical industry involving claims of trade secret/confidential information misappropriation. The matter was favorably resolved.
- Pursued trade secret claim against a competitor that had founded a business by hiring a former manager. Litigation resulted in significant cash settlement and the competitor agreeing to non-compete restrictions.
- Successfully pursued and obtained return of trade secret information from a former sales manager on behalf of a large privately held Minnesota manufacturer.
- Represented a family-owned business in trade secret litigation against a publicly held company. The case resulted in a substantial settlement.
- Pursuing claims of trade secret/confidential misappropriation and non-compete claims for client in the digital marketing industry.
- Pursuing trade secret/confidential information misappropriation claims for client in the insurance industry.

Advice

- Working with medical device company on global trade secret protection program, including development of policies, procedures, best practices, education, training and enforcement.
- Preparing template trade secret agreement on behalf of a private university to protect faculty members' research.
- Advising clients regarding trade secret protection on technology for which patents have expired, via confidentiality provisions.
- Review and advise on confidentiality agreements to ensure continued trade secret protection where durational limitation applies to the confidentiality covenant.
- Working with clients to develop best practices for protection of trade secrets from former employees, competitors, or foreign governments, via agreements, policies, procedures and training.

- Evaluate and advise on feasibility and likelihood of criminal prosecution for trade secret theft under Economic Espionage Act of 1966, as alternative or supplement to civil action for trade secret theft.
- Working with a multi-state nonprofit organization to protect trade secret information via third-party agreements with related entities with access to sensitive data.
- Advising a large Minnesota manufacturer on a variety of trade secret issues, including protection of trade secrets when high-level scientists depart, as well as other trade secret due diligence issues.