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Trade Secret Litigation

Our lawyers understand that some of our clients' most valuable intellectual property assets are not subject to patent, copyright or trademark protections—they are protected under the body of trade secret laws. Trade secrets are prized assets that encompass an enormous variety of confidential information critical to a company's competitive advantage, reputation and brand. Given today's highly mobile workforce, complications arising when businesses jointly develop trade secret information and the increased ease with which trade secrets may be misappropriated, companies must take appropriate steps to protect their proprietary information.

Chamberlain Hrdlicka's experienced trade secret lawyers work with clients to ensure that your trade secrets are protected from an opponent's grasp. When disputes arise, we swiftly pursue appropriate action, whether that involves emergency provisional relief, critical motion practice, or going to trial.

Since the enactment of the federal Defend Trade Secrets Act (DTSA) in 2016, there has been an uptick in lawsuits involving the protection and enforcement of trade secrets in the United States. Our lawyers are well-versed in the newly adopted law, as well as more traditional laws developed under the Uniform Trade Secrets Act and related federal statutes.

Attorneys in our Trade Secrets Litigation practice group have years of experience representing both plaintiffs and defendants in trade secrets matters in diverse industries. Our lawyers have litigated and won trade secret lawsuits and disputes in state and federal courts throughout the United States. We draw upon the formidable depth of the intellectual property, commercial litigation, and other practices to provide an approach tailored to the intricacies of each individual case that minimizes legal and business risks.

Swift and decisive action is required when trade secrets are at stake. Once the trade secret is disclosed, the company's competitive advantage may be compromised. Trade secret holders frequently seek expedited injunctive relief that can result in mini-trials at the beginning of cases. We can rapidly mobilize teams who work closely with clients, quickly get up to speed on the clients' technology, and build persuasive case strategies because of our group's size, sophistication, and experience.

Importantly, we also help clients before litigation is on the horizon. Because we understand that trade secrets protection is a means of establishing a client's competitive position, we offer maturity assessments and proactively advise clients seeking to build trade secrets programs before theft occurs. We also assist clients in putting mechanisms in place to identify potential theft and then promptly respond. We provide guidance on overall trade secret protection, unfair competition, confidentiality

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agreements, non-compete agreements, preventing misuse or improper disclosure of former employers' trade secrets, and regulatory compliance. We advise clients on the implications of antitrust and competition, employment, international trade, data privacy, and other laws and regulations on the development and protection of trade secrets. Our lawyers also help clients address trade secret issues that arise in the context of business acquisitions, divestitures, and other transactions.

We use our knowledge from custom-created trade secret programs to advise on industry-specific best practices, improve existing company protocols, develop and implement procedures to avoid breaches of confidentiality when handling third party IP, and ensure ownership of jointly developed information and assets.

Experience:

- *Deepwater Marine Technology, LLC, et al. v. Tekumalla, et al.* (U.S. District Court). Represented MODEC International, Inc. in enforcing claims for copyright infringement, misappropriation of trade secrets, unfair competition, unjust enrichment, and breach of contract.
- *PK-Interests, Inc. v. Teton Buildings, LLC, et al.* (U.S. District Court). Represented Teton Buildings against claims for patent infringement, misappropriation of trade secrets, copyright infringement, trademark infringement, trademark counterfeiting, unfair competition, and breach of contract.
- Represented pipeline construction and repair product manufacturer in patent and trade secret license dispute.

