

TRADE SECRETS & BUSINESS INFORMATION PROTECTION



Thanks to new digital and communications technologies, as well as a decline in workplace loyalty and trust, company secrets are more vulnerable than ever. Valuable business information is at risk for inadvertent disclosure, misappropriation, or employee theft. To guard their competitive positions, smart companies develop strong trade secret and business information protection plans. These plans help to secure a company's most-valued trade secrets and proprietary information and prevent confidential details from falling straight into a competitor's hands.

Our law firm's Trade Secret & Business Information Protection team begins by understanding the controls and systems that business units have in place. From there, we help develop an appropriate protection model that efficiently and strategically integrates and builds on existing controls and systems.

Since the Defend Trade Secrets Act (DTSA) was enacted in 2016, trade secret litigation has increased by well over 30 percent annually as businesses have moved quickly to use the new law to protect their confidential information. Indeed, Husch Blackwell filed one of the first complaints under the DTSA for a Fortune 500 client whose crop seed technology was exfiltrated by a former employee who was a foreign national.

Husch Blackwell attorneys are regularly retained for their expertise in trade secrets litigation. Since long before the DTSA, our team has advised clients on all aspects of trade secret and contractual protections regarding their key

When we were hit with a complex web of wage and hour class actions, Husch Blackwell was the natural choice. The team's expertise in the substantive legal issues, combined with the investment they made to develop a deep knowledge of our business, has made them a uniquely effective litigation partner.

— Carey L. Bartell, Vice President, Chief Counsel – Legal & Government Affairs, Conagra Brands Inc. —

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proprietary information, including on a proactive basis before litigation becomes necessary. Our experienced trial lawyers prosecute and defend complex cases involving trade secrets, breach of confidentiality, and unfair competition.

Case Study

Farmobile LLC

Farmers Edge alleged that Farmobile's co-founders—former employees of a company acquired by Farmers Edge in 2014—had misappropriated purportedly proprietary information in the development of farm data-collection and standardization technologies. Farmobile turned to Husch Blackwell to defend it in potentially enterprise-threatening litigation.

Representative Experience

Counsel for Heico Corp. in obtaining summary judgments dismissing patent infringement and trade secret claims in a case involving jet engine parts in litigation with United Technologies Corp;

Represented a company based in Washington, DC, in a lawsuit filed against a local university over the unconstitutional "taking" of its trade secrets. The jury found in favor of client and awarded \$12 million in damages;

Defended a telecommunications company and its principals in a lawsuit brought by a Singapore telecommunications company alleging breach of contract and theft of trade secrets. Obtained a dismissal of all claims without payment of any money to the plaintiff.

Defended a California-based startup company against patent infringement and misappropriation of trade secret claims relating to CMOS power amplifier used in cell phones. After a two-week trial, the jury found in favor of client on 35 of the 36 submitted claims and awarded no damages. The judge entered a take-nothing judgment on the merits in favor of client.

Defended Garmin International Inc. in a trade secret misappropriation claim. Damages and fees awarded to Garmin for improvidently granted restraining order;

Obtained favorable arbitration award for global energy producer on theft of trade secret count in patent infringement and trade secret lawsuit brought in U.S. District Court, Northern District of Oklahoma, relating to oil exploration technology;

Assisted Florida counsel in obtaining summary judgments dismissing patent infringement and trade secret claims in a case involving jet engine parts;

Obtained dismissal of a trade secret misappropriation claim for lack of standing brought against a national manufacturer of aluminum cans;

Represented large St. Louis-based packaging equipment manufacturer to enforce noncompete agreements and prevent dissemination of trade secrets by former employees.

Represented Huhtamaki in a significant trade secret case over Canadian production of Chinet paper plates.

Obtained dismissal of a trade secret misappropriation claim for lack of standing brought against a national manufacturer of aluminum cans. *Williamson v. Rexam Beverage Can Co.*, 497 F.

Supp.2d 900 (S.D.Ohio 2007).

Argued before the Trademark Trial and Appeal Board and obtained reversal of the trademark examiner's refusal to register under Section 2(d) In re Capital Blue Cross, Serial No. 78869843.

Counsel for Rockwell Electronic Commerce Corp. in action for trade secret misappropriation relating to technologies involved in call center solutions.

Successfully prosecuted claims of breach of contract, tortious interference, and trade secret misappropriation for supply chain management company after defendants implemented a multi-year conspiracy to solicit employees and misappropriate trade secrets.