

Trade Secret Litigation

Trade secrets can be a company's most valuable intellectual property right. At Stinson, we help our clients create and execute individualized trade secret protection programs that identify company trade secrets, protect these trade secrets, and place the company in a strong position to reduce unauthorized use and disclosure.

Under the Federal Defend Trade Secrets Act and the law of most states, trade secrets can include information, processes or devices having commercial value that are treated as confidential and are not known or disclosed to the public. Business plans, chemical formulations and even client lists may be eligible for trade secret protection. Whatever your trade secret, our attorneys have the knowledge and experience to protect this valuable company asset. In particular, our attorneys have significant experience in the following areas:

TRADE SECRETS IDENTIFICATION

Our attorneys counsel clients about how to protect their confidential information, ideas and property, such as trade secrets, in addition to other forms of intellectual property protection (i.e., patents, trademarks and copyrights). There can be advantages to trade secret protection versus patent protection insofar as trade secrets can be maintained indefinitely while patents are enforceable for a limited period of time. In addition, trade secret laws can protect valuable business secrets, such as customer lists, that are not patentable. Moreover, sometimes trade secrets and patents can be used in tandem to protect different aspects of a company's business.

TRADE SECRETS PROGRAMS

Trade secrets must remain "secret." Therefore, our attorneys counsel clients on the development of comprehensive trade secret protection programs, which involve various agreements such as:

- Confidentiality/non-disclosure agreements
- Non-compete agreements
- Employment agreements
- Consulting agreements

Trade Secret Litigation

- Invention development agreements
- Manufacturing agreements
- Licensing agreements

In addition, we help our clients develop and implement other strategies to better protect their trade secrets. These include:

- Seminars to employees regarding identification and protection of trade secrets
- Labels or proprietary legends on documents containing trade secrets
- Document retention and cybersecurity policies
- Facility security
- Computer network security
- Hacking/data breach risk management
- Company policy manuals on confidentiality
- Sign-out and sign-in procedures
- Exit interviews for departing employees
- Contract compliance with Defend Trade Secrets Act notice requirements

TRADE SECRET MISAPPROPRIATION CLAIMS

In many instances, our attorneys assist clients in avoiding claims of unlawful use or misappropriation of the trade secrets of competitors. We can review a potential employee's agreements with his or her former employer to evaluate the trade secrets of former employers. This is especially important for our start-up and venture capital clients.

TRADE SECRET LITIGATION

Make no secret about it, our attorneys are well-versed in trade secret misappropriation claims. Representing both plaintiffs and defendants, our attorneys have litigated trade secrets cases involving devices ranging from braking mechanisms to food chemistry methods to the "Pop-A-Shot" basketball game to proprietary software.

EXPERIENCE

Our trade secret litigation attorneys have decades of experience representing clients on a variety of matters including:

Trade Secret Litigation

Obtained a multimillion dollar settlement for our agribusiness client on patent and trade secret enforcement action. Following the settlement, we also negotiated an ongoing, international business relationship agreement between our client and the adversary.

Represented Hallmark Cards Inc. before the U.S. Court of Appeals for the Eighth Circuit, which affirmed a \$31.3 million jury verdict in favor of Hallmark in a trade secret dispute against Monitor Clipper Partners LLC, a private equity firm.

Secured an \$8 million settlement for our client on a patent and trade secret enforcement action against a well-known global company.

CONTACT: David R. Barnard | 816.691.2608 | david.barnard@stinson.com

CONTACT: B. Scott Eidson | 314.259.4575 | scott.eidson@stinson.com

TEAM

Judith Araujo

David D. Axtell

David R. Barnard

James D. Bass

Sean W. Colligan

Kevin D. Conneely

Ashley Dillon

Tracey Holmes Donesky

Alisa Nickel Ehrlich

B. Scott Eidson

Timothy J. Feathers

Patricia A. Konopka

Timothy D. Krieger

Richard W. Pins

Lynn D. Preheim

Ruth Rivard

STINSON

STINSON LLP \ STINSON.COM

Trade Secret Litigation

Bryan P. Rose

Stephanie N. Scheck

Julie C. Scheipeter

John R. Schroeder

Penny R. Slicer

Victoria L. Smith

Brian E. Sobczyk

J. Nicci Warr

Bradley J. Yeretsky

RELATED CAPABILITIES

Intellectual Property & Technology

IP & Technology M&A Due Diligence

Patent Litigation

Patent Preparation & Prosecution

Trademark, Trade Dress, False Advertising & Unfair Competition Litigation

Employment Litigation

NEWS

Stephanie Scheck Shares Career Journey, Offers Guidance and Insight in Women's History Month Q&A with *The Legal Intelligencer*

03.11.2024

Leadership Council on Legal Diversity Names Glasnovich a 2024 Fellow, Araujo and Williams as Pathfinders

02.28.2024

Wichita Business Journal Highlights Scheck's Elevation to Office Managing Partner

01.25.2024

STINSON

STINSON LLP \ STINSON.COM

Trade Secret Litigation

Stinson Names Scheck as Wichita Office Managing Partner

01.19.2024

Missouri Lawyers Media Recognizes Moderson, Scheipeter as Up & Coming Attorneys

10.12.2023

Rose Authors Article About Master Service Agreements, Supply Chain Issues for *Law360*

09.29.2023

Rose Details Need for Master Supply Agreements in *Law Week Colorado*

09.29.2023

Stinson IP&T Attorneys Secure Injunction and Settlement for American Outdoor Brands

09.28.2023

Chavez, Barnard Examine Social Media's Legal Risk for Companies, Third Parties in *Bloomberg Law*

08.04.2023

ACC STL July Newsletter Features Schroeder's Considerations for Companies to Protect Trade Secrets

07.21.2023

Konopka Talks Noncompete Ban, Employer Preparation in *Kansas City Business Journal* Article

06.02.2023

Stinson IP&T Attorneys Assist in Protecting American Outdoor Brands' Intellectual Property, Secure Agreement to End Litigation

04.21.2023

Stinson Associate Selected for U.S. Bank Law Division Spotlight on Talent Program

04.06.2023

Schroeder Details How the FTC Ban on Non-Competes Impact Trade Secret Protection in *IPWatchdog* Column

02.17.2023

Tracey Holmes Donesky Featured by *Attorney at Law* Magazine

06.15.2022

Bryan Rose Authors an Article on Master Service Agreements for the Colorado ACC

04.08.2022

Leadership Council on Legal Diversity Selects Stinson Attorneys for 2022 Fellows and Pathfinder Program

02.17.2022

STINSON

STINSON LLP \ STINSON.COM