

## Services

### Trade Secrets

#### Practice Contacts

Laura T. Geyer

Mark A. Watkins

#### Attorneys

Craig R. Auge

Reed Fryar Clancy

Brent D. Craft

Jason C. Elvers

Michael J. Garvin

Maryellen Feehery Hank

D. Jeremy Harrison

Donna M. Haynes

Kimberly Weber Herlihy

Carey C. Jordan

Mihsun Koh

John L. Landolfi

Michael V. Messinger

Rex W. Miller II

William H. Oldach III

Eric W. Richardson

Khaled Shami

Anthony P. Venturino

Aaron M. Williams

In today's global economy, intense competition, employee mobility, the proliferation of spin-off and start-up businesses, and increasing cybersecurity and privacy risks, protecting trade secrets is mission critical for most companies. Recent headlines confirm the threat of trade secret misappropriation by competitors and nation states, and reported verdicts and settlements in trade secrets misappropriation matters range in the hundreds of millions and even billions. Indeed, trade secrets can be among a company's most valuable assets.

We have created service packages for clients relative to trade secrets where they can design a trade secret support program that fits their needs. The services we provide in these custom packages include:

#### Trade Secret Protocols and Policies

Our IP attorneys regularly provide assistance to our clients in setting up trade secret protection protocols and policies for their global operations. Courts will look to the "reasonableness" of those protocols in the event of a breach; this "reasonableness" standard is difficult to define and therefore, protocols and policies should be adopted in conjunction with legal guidance. We aid our clients in finding that "reasonableness" by identifying what elements of their business and research and development should be considered a trade secret. We also help our clients develop employee policies that support the overall protection protocols. We also regularly advise our clients with respect to employee agreements, confidentiality agreements and other agreements that involve trade secrets and proprietary information.

#### Trade Secret Audits

In trade secret audits, we help clients understand the risks presented to systems, assets, data and capabilities. Working closely with each client's legal, business and technical personnel, we help identify the key elements surrounding an innovation or technology that will benefit from trade secret protection. We also keep a watchful eye out for types of information that might warrant patent or copyright protection, or protection through various forms of confidentiality and non-compete agreements. We help assess the existing protections (e.g., security programs, procedures and internal controls) and develop and

implement appropriate safeguards as warranted.

## Trade Secret Training for Employees

We offer our clients regular trade secret training to ensure that those having access to trade secrets understand the policies and their requirements for protecting confidential trade secrets. Such training includes how to identify a trade secret, how to mark trade secret information, who may have access to the trade secret, and remedial measures required if a trade secret is inadvertently disclosed. Such regular training has been vital to our clients and their ability to protect their important information.

## Trade Secret Incident Response Support

When trade secrets have been put at risk through an insider or outsider threat, we help our clients develop and then implement an incident response procedure. We help to identify the issue, minimize the damage and respond and recover the compromised information if possible. We help clients seek criminal and injunctive relief, and have helped clients seek import bans of products incorporating the misappropriated trade secrets from the International Trade Commission under Section 337 where appropriate.

## Trade Secret Litigation

When litigation becomes necessary to protect our clients' trade secrets or to address a challenge from a competitor, our lawyers draw on decades of experience in federal courts, state courts, the International Trade Commission (ITC) and arbitration tribunals throughout the U.S. We have significant experience addressing *ex parte* and preliminary injunctions, managing discovery, obtaining relief through dispositive motions, and preserving trade secrets during the course of litigation. Our deep bench of technical experience serves as a strong foundation to advise and litigate in technology-related trade secret matters, and enables us to efficiently and effectively work with engineers and scientists on unique trade secrets issues such as independent development, reverse engineering and the state of the technical art.

## Speaking Engagements

Event, 3.16.2023

IPOwners Spring Summit Panel

12.5.2012

Because That's Where the Money Is: Identifying and Protecting Your Patents, Copyrights, Trade Secrets and Other IP

Presented by TechColumbus