Identifying, Protecting & Litigating Trade Secrets

A comprehensive review for nonspecialists

Why attend?
Trade secret law is vital to the protection of intellectual property in companies of all sizes. This seminar provides a comprehensive review of trade secret law for a diverse audience, including in-house counsel and noncounsel responsible for protecting intellectual property, human resource personnel, business lawyers, and commercial litigators. The faculty provides practical advice to help participants identify trade secrets, understand how to insure legal protection for those trade secrets, and avoid trade secret theft.

The faculty explain
What constitutes a trade secret; How to protect trade secrets; What constitutes “misappropriation” of trade secrets; How trade secret laws vary among states; How to investigate trade secret theft; When the misappropriation of trade secrets rises to the level of a crime; How to avoid become unwitting participants in trade secret theft; When and how to litigate, or settle a trade secret case

Agenda

● Trade Secret Law Basics
  What is a trade secret? What are “reasonable measures” to protect secrecy? Does disclosure destroy secrecy? Is there an obligation not to disclose trade secrets in the absence of a nondisclosure agreement? What is misappropriation of trade secrets? What is a “head start” injunction? What is the “inevitable disclosure” doctrine? What is the appropriate measure of damages for trade secret misappropriation?

● Protecting Trade Secrets
  What is a trade secret inventory? What steps should companies take to protect their trade secrets? What should companies do when they suspect trade secret theft?

● The Economic Espionage Act
  What is the Economic Espionage Act? When is the misappropriation of trade secrets a crime? What sorts of cases have been prosecuted under the Economic Espionage Act? When should companies or their lawyers contact the United States Attorney if they suspect they are victims of trade secret theft?

● Avoiding Misappropriation
  What measures should companies employ to make certain that their employees are not misappropriating the trade secrets of third parties, including their former employers? Should companies hire employees with noncompetition or nondisclosure agreements with their former employers?

● Litigating a Trade Secret Case
  When is it appropriate to file a trade secret case? In what court? Which state’s law governs a trade secret case involving more than one state? What is the plaintiff’s burden of proof? What defenses are available? When will a plaintiff obtain preliminary relief? How do parties protect their trade secrets in discovery? What is appropriate discovery? What is unique about trying a trade secret case? What damages will a successful plaintiff obtain?