

Trade Secret Litigation

We live in a global information economy, in which a company's ideas and data are often more valuable than any other property it may own. Given today's "net-speed" environment, in a nano-second, a Company's intellectual property, particularly in the biotech, computer, internet, financial services and manufacturing industries can be stolen. Companies face the daunting task of capturing and protecting their mission-critical trade secrets every day. Frequently the ability to maintain the confidentiality of proprietary information and to prevent its dissemination to competitors is absolutely vital to a company's financial success. Likewise, businesses increasingly are faced with the necessity of defending their own legitimately developed techniques, processes, business plans and customer lists from claims that such items were misappropriated from someone else.

The California Uniform Trade Secrets Act defines the term "trade secrets" in such a way as to have application to nearly every type of commercial endeavor. WTK has the legal expertise to guide clients safely and efficiently through the complex corridors of trade secret law and to vigorously defend their interests in any forum. Case law allows protection of trade secrets, even in California where employee non-compete contract clauses are subject to statutory restriction.

WTK counsels clients on effective, enforceable policies that minimize the loss of trade secrets and provide the groundwork for litigation when our client's trade secrets are stolen. WTK lawyers have obtained (or defeated) preliminary injunctions and counseled clients on effective, enforceable policies that minimize the loss of trade secrets. The employment policies that we recommend also provide the groundwork for litigation when our clients' trade secrets are stolen.

Representative Matters:

- > Obtaining temporary restraining orders and injunctions against former employees who had misappropriated trade secrets of a client.
- > Defending a client against claims that proprietary software had been misappropriated from a competitor.
- > Defending a client against claims that its newly-hired employees had misappropriated customer lists constituting trade secrets from their former employer.
- > Advising individuals changing employment or starting their own company about how to avoid liability for trade secret misappropriation.
- > Advising clients hiring new employees about methods for interviewing new employees and obtaining representations designed to protect the client from claims of trade secret misappropriation from former employers.
- > Advising clients about ways in which to treat confidential information in order to maximize the chances that it will qualify as a trade secret, and about procedures they can adopt to reduce the risk of misappropriation of such information.

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