

# Trade Secrets / Noncompete Litigation and Consulting

## Overview

The risk that valuable trade secrets will be misappropriated has skyrocketed due to an increasingly mobile workforce; the ease with which digital data can be copied, transmitted, and posted; and businesses' growing reliance on contractors, vendors, consultants, and licensees. Often, businesses must obtain temporary restraining orders, preliminary injunction hearings, or criminal subpoenas within days. Our experienced trade secrets team understands the need for quick and decisive action in this area.

We help clients protect trade secrets, and litigate claims regarding breach of restrictive covenants and fiduciary duties, unfair and deceptive trade practices, and violations of various computer and data security laws. Due to the multifaceted nature of this practice, we rely on our team's extensive experience in intellectual property, labor and employment, and litigation. Additionally, our lawyers possess deep knowledge and experience regarding e-discovery, and applicable state and federal computer, internet, and privacy statutes.

## Services

- Create policies and procedures to protect trade secrets and confidential information.
- Prepare noncompete agreements, confidentiality agreements, nonsolicitation agreements, email and privacy policies, IP ownership policies and agreements, and incentive compensation agreements for corporate employees.
- Advise employers on how to avoid exposure when hiring employees from competitors.
- Advise clients on the differences and trade-offs between trade secret protection and other types of intellectual property protections.
- Litigate claims for misappropriation of trade secrets and confidential information, breach of fiduciary duty, raiding of employees, interference with business relationships or contracts, unfair competition, and related business torts.

- Litigate claims to enforce or invalidate covenants not to compete, nonsolicitation, or confidentiality agreements.
- Perform trade secret and confidential information audits.
- Prepare outsourcing agreements and technology commercialization agreements with appropriate protections for trade secrets, confidential know-how, and other intellectual property.
- Evaluate and litigate related claims under the Defend Trade Secrets Act, the Computer Fraud and Abuse Act, the Digital Millennium Copyright Act, the Stored Communications Act, the Electronic Communications Privacy Act, the Economic Espionage Act; and various state uniform trade secret acts, unfair and deceptive trade practices statutes, and computer hacking and privacy statutes.
- Advise on protection of confidential information during litigation.

## Insights

06.02.2023

NLRB Ratchets Up Campaign Against Noncompete Agreements

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01.06.2023

FTC Proposes Nationwide Ban on Noncompete Agreements for All Employers: How to Comment on This Proposed Rule

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05.29.2020

Florida's Fourth District Gives Protection to an Obvious Secret

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03.11.2015

Jury Awards \$58.7 Million for Trade Secret Misappropriation After Technology Disclosure Pursuant to NDA

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03.06.2015

Protecting Innovation and Competitive Advantage: Trade Secrets v. Patents

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10.03.2014

In Alabama, Non-Competes Must be Executed On or After an Employee's Start Date

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08.01.2014

Office of the Commissioner of Insurance of Georgia Proposes New Regulation Governing Protection of Trade Secret Information

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05.27.2014

Managing the Risks of a Mobile Workforce

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05.16.2014

Congress Weighs New Weapon in Fight Against Business Data Theft

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03.13.2014

Protecting Trade Secrets from Discovery Disclosure in Florida

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11.21.2013

European Union to Adopt Union-Wide Trade Secrets Law

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04.24.2013

Decisions Highlight Split in Application of Computer Fraud and Abuse Act

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01.16.2013

Congress Acts to Strengthen Federal Trade Secret Protection

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08.31.2012

Court Upholds Assignment of Non-Compete Agreement Rights

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12.27.2011

Managing Your Intellectual Property

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09.20.2011

Q&A With Carlton Fields' Alan Rosenthal

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08.09.2011

Venue Provision in Non-Compete Agreement Governs Even as to Non-Party Interference

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06.09.2011

Georgia Restrictive Covenant Act Signed Into Law—Finally

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05.23.2011

Preparing to Compete is Not a Violation of Non-Compete Agreement

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## Our Team

### Key Contacts



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## Related Capabilities

### Practices

- Cybersecurity and Privacy
- Intellectual Property
- Labor & Employment
- Litigation and Trials
- Mergers and Acquisitions
- Discrimination
- Esports and Electronic Gaming
- Intellectual Property Litigation

### Industries

- Technology

- Intellectual Property Protection & Portfolio Management
- Technology & Intellectual Property Transactions
- Private Equity and Venture Capital
- Technology
- Media, Entertainment, Music & Sports
- AdTech
- Education