



HUSCH BLACKWELL

Trade Secrets & Business Information Protection

The oldest form of intellectual property protection is simply keeping your proprietary information a closely-held secret, and during the 21st century, trade secrets have re-emerged as a valuable means to safeguard key business information. Husch Blackwell's Trade Secret & Business Information Protection team has decades of experience in helping clients develop their internal systems and controls to mitigate the risks of inadvertent disclosure, misappropriation and employee theft. Our team brings together a dedicated group of intellectual property and employment law leaders who provide comprehensive advice on how to maintain trade secrets, from identifying and categorizing significant business information to securing a client's portfolio of assets.

Our team is skilled in developing protection models for a variety of information types, including:

25

Husch Blackwell attorneys devoted to trade secrets law

30%

annual increase in trade secret litigation since 2016 passage of the DTSA

\$600B

estimated of annual cost of trade secret theft in U.S.



Product Information

Includes designs, patterns, and plans for new and existing products, as well as those not commercialized.



Sensitive business information

Includes M&A plans, market research, competitive intelligence, client lists; vendor information, expansion planning, and corporate strategy.



Research and development

Long-term R&D, including basic and applied research.



IT systems

Includes system architecture, source code, and algorithms.



Critical business processes

Includes inventory levels and distribution methods, supply chains, manufacturing processes, and business-model information.

Client Successes

- Represented Farmobile LLC as defendants in litigation claiming breach of contract and misappropriation of trade secrets concerning precision farming technology.
- Represented a multinational chemical company in litigation alleging misappropriation of trade secrets where plaintiff voluntarily dismissed the case.
- Represented one of the largest privately held companies in the U.S. and one of its operating subsidiaries as plaintiff in litigation under the federal Defend Trade Secrets Act for breach of contract against a former director who left the company and started a competing business using client's proprietary information.
- Represented Huttig Building Supply in several related complex commercial disputes, pending in three different states, all alleging trade secrets misappropriation, tortious interference with contract and breach of several contracts.
- In one of the first cases brought under the Defend Trade Secrets Act, we represented Monsanto Co. (now Bayer) with its claims of trade secret theft by a data analyst in connection with sensitive company information.
- Represent a major industry publication in trade secret litigation filed against defendants, a competing publication providing industry news and information and a former editorial director.
- Represented Emerson Electric against allegations of trade secret theft in connection with a winning bid to build a \$200 million data center for Facebook Inc. and secured a judgment that was but a small fraction of the initial demand.
- Defended Garmin International Inc. in a trade secret misappropriation claim. Damages and fees awarded to Garmin for improvidently granted restraining order.

Trade Secrets Litigation

Since the Defend Trade Secrets Act (DTSA) was enacted in 2016, trade secret litigation has increased by well over 30 percent annually as businesses have moved quickly to use the new law to protect their confidential information. Indeed, Husch Blackwell filed one of the first complaints under the DTSA for a Fortune 500 client whose crop seed technology was exfiltrated by a former employee who was a foreign national.

Husch Blackwell attorneys are regularly retained for their expertise in trade secrets litigation. Since long before the DTSA, our experienced trial lawyers have prosecuted and defended complex cases involving trade secrets, breach of confidentiality and unfair competition.

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The advice and service that we get from Husch Blackwell are second to none. We work with several other firms for matters outside of intellectual property, and the experience is just not the same. Most importantly, the Husch Blackwell team offers the one thing that all clients are ultimately looking for in an attorney: SUCCESS.

— **Jamie Hawken, Vice President and General Manager, Utility Concrete Products LLC**

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Business is no longer usual. Neither are our solutions.

At Husch Blackwell, we have built our law firm around one idea: to guide our clients from where they are to where they want to be. Our industry-centric approach gives us a deep understanding of what our clients face every day. But more than that, it creates a shared vision that moves our clients forward.