

Trade Secret Litigation

In a cross-border, mobile, and distributed economy, trade secret theft is a growing challenge. Enterprises, particularly global ones, increasingly rely on confidential information, proprietary data, and technical know-how to enhance value and competitiveness. Information is now fundamental to doing business in almost every sector of the economy.

The attorneys of Rothwell Figg's Trade Secret Litigation practice leverage the firm's deep and varied technical backgrounds, IP law expertise, and experience managing complex, high-stakes cases across numerous venues to assist clients with their trade secret disputes. We provide clients with a comprehensive approach that encompasses every aspect of the issue, from proactive prevention to aggressive litigation and enforcement. Our attorneys have guided clients through every conceivable scenario, and have worked with everything from complex, cutting-edge technologies to proprietary manufacturing processes, innovative product designs, competitive strategies, and proprietary customer and pricing information.

A strong trade secret case begins long before litigation, when a company takes proactive steps to protect proprietary information. We collaborate with clients' human resources, engineering/IP, IT, and legal teams. We get to know their business from a 30,000-foot perspective, which gives us a unique ability to develop strategies for managing trade secrets that are in concert with the client's larger business objectives and priorities.

We also take care to work with our clients on the ground, through periodic meetings to review trade secret matters, and ensure that the issue is top-of-mind with management. The objective is to avoid litigation – and if not, to position the client as advantageously as possible should a dispute arise.

Trade secret claims frequently overlap with claims in related fields – patents, trademarks, privacy, contractual matters, and so on. Our team is capable and experienced at handling all of these issues. Clients do not find themselves with different teams working on different parts of a case. Rather, they find themselves with a broadly conversant team that works effectively, and cost-efficiently, across their entire organization.

Additionally, our attorneys are exceptionally knowledgeable in a wide variety of technical fields. Trade secret cases often involve highly complex fact patterns, and most of our attorneys have extensive technical experience, advanced scientific degrees, or both. Our ability to understand the technology at issue intimately and work with it easily is a significant advantage.

As practitioners, we are extremely detail-oriented, which is essential for assembling the facts, taking effective discovery, and bringing these cases to trial. Trade secret matters hinge on careful, complete narratives, often covering a lengthy series of interconnected events stretching back many months or even years. By thoroughly, comprehensively, and carefully compiling a record, we not only build exceptionally solid cases, but can rapidly spot new strategic opportunities, and adapt our work accordingly.

In sum, when dealing with trade secrets, a great deal can turn on steps taken long before the information at issue becomes the subject of a dispute. In counseling clients, we are adept at proactive management, pinpointing vulnerabilities, and devising policies, programs, and systems to manage and mitigate a wide range of risks. Mindful of the practical realities of a client's day-to-day operations, we work closely with them to prepare effective, enforceable noncompete agreements and contracts.

And in the event of a lawsuit, we marshal the depth and breadth of our attorneys to obtain evidence, recover stolen data and/or information, assess liabilities, file and obtain emergency court orders, negotiate extended restrictive covenants, and establish the groundwork for the satisfactory resolution of the matter through trial or settlement.