

Trade Secrets

We have substantial experience in trade secret litigation, representing both plaintiffs and defendants in state and federal courts. Trade secrets cases often move very quickly. We are adept at seeking and obtaining emergency relief for businesses seeking to protect their trade secrets as well as at defending clients against which emergency relief is sought.

Our trade secrets cases have involved, among other things, alleged misappropriation of customer and vendor lists, business plans/presentations, financial data, confidential pricing information, and bidding systems and information. Many of our cases arise in context of a dispute between an employer and an ex-employee, when an employer wants to prevent a former employee from using a company's trade secret. We also have handled cases in many other contexts including between franchisor/franchisee and competitors (without any ex-employees being involved) as well as in the context of a business divorce. We can assist you in either protecting your trade secrets or defending you if you are accused of misappropriating a trade secret.

Representative Matters

- We represented one of the largest luxury car dealerships in the United States. Our client was sued for allegedly misappropriating trade secrets and confidential information from the manufacturer based on the alleged posting of certain car-related information on the internet. The manufacturer sought damages and to terminate the dealership as a result of the alleged misappropriation. After extensive discovery and numerous depositions, the case settled before the summary judgment deadline. The terms of the settlement are confidential, and the dealership remains in business.
- Our client sued former employees who allegedly conspired with each other over a period of months (while employed by our client) to form a competing business. Defendants allegedly set up a competing website, emailed proprietary and confidential company information to their personal email addresses, contacted our clients' vendors and customers, and attempted to delete files from our client's computers to cover up their actions. We sued for misappropriation of trade secrets, breach of fiduciary duty, and sought emergency injunctive relief. Early in the case we obtained injunctive relief, and the case settled before trial.
- Our firm took over as counsel for a plaintiff, a healthcare software company, in a pending matter involving significant federal claims and counterclaims for trademark infringement, false advertising, and unfair competition under the Lanham Act, as well as state and common law claims for trade secret misappropriation, computer theft, libel, slander, deceptive trade practices, and tortious interference with business relations. Claims were asserted in federal courts of Georgia and Tennessee. The parties engaged in extensive discovery, including dozens of depositions, hundreds of thousands of documents, and motions practice. After voluminous summary judgment filings were submitted by both sides, the case settled pursuant to a confidential settlement agreement.

- We defended a group of former employees of a large company who had left to form their own company in a case alleging misappropriation of trade secrets. The case settled favorably after discovery.
- We represented a technology consulting company which had several employees resign. Prior to resigning, there was evidence the employees had solicited business for their new pursuit and taken confidential information belonging to our client. While there were no restrictive covenants in place, we were able to obtain an injunction preventing the employees from misusing or retaining any confidential information, and preventing the employees from working for certain competitors.
- We represented an individual sued in federal court by his prior employer for allegedly misappropriating trade secrets, including pricing and profit margin information. The plaintiff alleged our client used the information to prepare lower customer contract bids. The claims in the case included misappropriation of trade secrets, breach of fiduciary duty, and violations of the Stored Communications Act, Federal Computer Fraud and Abuse Act, and Georgia Computer Systems Protection Act. Before our client had to respond to the complaint, we were able to reach a confidential settlement.
- We represented three individuals who left their prior employer to start a new company. The three individuals and new company were sued for misappropriation of trade secrets under the Georgia Trade Secrets Act, among other counts. After limited discovery, the case settled pursuant to a confidential settlement agreement.
- Our firm represented a sports league whose thousands of customer contacts were wrongfully taken and used by a former partner in the business who started a competing league. We immediately obtained a preliminary injunction against the former partner. We were later successful in an arbitration before the American Arbitration Association. After a full hearing in arbitration, we obtained a permanent injunction against the former partner and obtained a substantial award of monetary damages even though our client did not lose any customers to defendants' competing business.
- We represented a company whose former employees left the company and took the company's documents. Our client sued the former employees. We obtained injunctive relief, including a court order that the employees return the documents to the company. The case eventually settled, in which our client obtained a permanent injunction and monetary damages.