

Trade Secret & Restrictive Covenant

Our Trade Secret & Restrictive Covenant Litigation practice integrates trade secret enforcement with employment strategy, providing preventive counseling and decisive advocacy tailored to today's evolving workplace.

From practical trade secret counseling to high-stakes litigation arising from employee departures and competitive hiring, we help employers manage risk across the full lifecycle of employee mobility. Our approach is focused on minimizing disruption while safeguarding critical business assets.

Litigation and Enforcement

- Defense against misappropriation, unfair competition, and tortious interference claims.
- Challenges to trade secret designation, ownership, and scope.
- Perform pre-litigation investigations and employ preservation techniques (forensics, chain-of-custody, etc.).
- Prosecution of trade secret misappropriation claims under the Defend Trade Secrets Act (DTSA) and state law.
- Emergency relief, including temporary restraining orders and preliminary injunctions.
- Discovery and coordination of forensic investigations.

Preventive Counseling & Risk Management

- Conduct trade secret audits and inventories (identification, classification, and retention policies, etc.).
- Draft and review restrictive covenants, including non-solicitation, confidentiality, and non-disclosure agreements.
- Formulate strategies for digital monitoring, email/device review, recovery, and purging of business-related information.
- Advise on employee onboarding/offboarding protocols and exit-interview procedures to ensure protection of trade secrets and confidential information.
- Draft and conduct training programs for employees, managers, and HR on protecting confidential information.

Representative Experience (Trade Secret Litigation)

- Obtained preliminary and permanent injunction against former employee for trade secret misappropriation and breach of restrictive covenant agreements.
- Obtained a default judgment against a former sales executive and his subsequent employer for theft of trade secrets.

- Advised a national employer by developing and implementing a comprehensive trade secret protection strategy, including confidentiality controls, employee training, digital activity monitoring, and structured exit protocols designed to prevent unauthorized disclosure or misuse of sensitive information.
- Counseled clients on best practices for aligning trade secret protection measures with evolving state and federal restrictions on restrictive covenants, including non-compete and non-solicitation agreements.