

Unfair Competition and Trade Secrets

PRACTICE GROUP

- Assisting Employers in Connection with the Protection of Trade Secrets and Confidential Information
- Working with Employers on Developing Non-Competition Agreements and Other Restrictive Covenants
- Advising Employers in Connection with Suspected Unfair Competition
- Representing Employers in Trade Secrets and Restrictive Covenants Litigation

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PRACTICE GROUP

OUR TEAM

The Unfair Competition and Trade Secrets practice group consists of attorneys from our offices throughout the United States. These attorneys have devoted a substantial amount of their practice to assisting employers—whether as experienced counselors or litigators—in protecting their businesses against unfair competition and the misappropriation of trade secrets and confidential information. Our attorneys’ practice in this area involves advising employers on the protection of trade secrets and confidential information, on the enforcement of non-competition and non-solicitation agreements, and on the protection of electronic information under federal and state law.

Our firm has advised and represented clients in unfair competition and trade secret matters in various industries, including:

- Financial Services
- Health Care
- Hospitality
- Higher Education
- Insurance
- Manufacturing
- Professional Services
- Publishing
- Real Estate and Related Services
- Retail
- Technology
- Transportation

OUR APPROACH

We believe that protecting employers’ intellectual and human capital from unfair competition—both from competitors and current and former employees—requires a three-prong approach: . . . Prepare . . . Advise . . . Protect . . .

PREPARE

We take pride in our strong tradition of preparing clients in implementing best behaviors, practices and policies. This preparation includes, but is not limited to:

- Identifying and capturing trade secrets and confidential information;
- Creating and implementing policies and practical steps to protect trade secrets and confidential information, both physically and electronically; and
- Modifying, designing and implementing effective policies and agreements regarding non-competition, invention assignment, non-solicitation of customers, vendors and employees, and trade secrets and confidentiality.

It is our experience that prepared clients significantly enhance their chances of avoiding disputes and, when disputes arise, winning or otherwise resolving them on favorable terms. Because of our experience with helping a wide array of businesses and executives nationwide, we are never reinventing the wheel.

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OUR APPROACH (CONT'D)

ADVISE

Because we strive to know our clients' businesses and understand their needs, our attorneys' advice and guidance is always focused and individually tailored to clients. This guidance includes:

- Identifying and investigating breaches or violations by current or separated employees, including working with our firm's e-discovery group to investigate suspected computer fraud;
- Addressing concerns surrounding the hiring of employees who are subject to restrictive covenants or who may possess trade secrets; and
- Training managers and supervisors on protecting trade secrets and confidential information.

PROTECT

When it becomes necessary to protect clients' assets, our team of experienced litigators is at clients' sides working for them. Whether it is preparing and sending a cease-and-desist letter, going to court on a moment's notice because of injunction proceedings, or pursuing a long-term strategy against a competitor, we are committed to working with clients to provide fast, thoughtful, focused, effective, efficient, and forceful (when necessary) representation.

Our attorneys have represented clients from a variety of industries in a wide variety of matters including injunction proceedings in federal and state court, enforcement matters before FINRA, as well as arbitration proceedings.

We have successfully litigated claims involving:

- Breach of non-competition, non-solicitation and non-disclosure agreements;
- Misappropriation of trade secrets;
- Violations of the Computer Fraud and Abuse Act and the Stored Communications Act;
- Breach of duty of loyalty; and
- Claims of tortious interference, unfair competition, and conspiracy against subsequent employers.



With offices throughout the nation, the firm represents a diverse range of clients.

We operate efficiently on a national scale without compromising our commitment to service.

Ogletree Deakins is one of the nation's largest labor and employment law firms, representing management in all types of employment-related legal matters.



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