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$64 Million Verdict Against Goodyear Vacated for Failure to Properly Define Trade Secrets

Publications

February 2026
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An Ohio jury found Goodyear liable for misappropriating five trade secrets related to self-inflating tires in 2022, awarding the plaintiff, Coda Development, $2.8 million in compensatory damages and $61.2 million in punitive damages. *Coda Dev. s.r.o. v. Goodyear Tire & Rubber Co.*, 160 F.4th 1350, 1353 (Fed. Cir. 2025). Following trial, however, the district court threw out the verdict and found in favor of Goodyear because, among other things, Coda had failed to sufficiently define its trade secrets. *Id.* at 1354.[1] The Federal Circuit recently affirmed the decision on appeal. *Id.* at 1352.

As in many jurisdictions, a trade secret plaintiff asserting a claim under Ohio law must "defin[e] the information for which protection is sought with sufficient definiteness to permit a court to apply the criteria for protection…and to determine the fact of an appropriation." *Id.* at 1355 (quoting *Caudill Seed & Warehouse Co. v. Jar-row Formulas, Inc.*, 53 F. 4th 368, 380-81 (6th Cir. 2022)). In accordance with this principle, the district court had ordered Coda to answer an interrogatory calling for "a complete list of trade secrets (with particularity)." *Id.* at 1356. The district court ultimately concluded that the purported trade secrets that resulted—and which formed the basis of the jury's verdict—were not sufficiently definite, and the appellate court agreed.

One of the claimed trade secrets, "Coda's design and development of a multipurpose interface for transporting air in a self-inflating tire,"[2] was just a list of "functions…described in vague terms with no detail regarding how those functions are carried out." *Id.* at 1357. Two others were "no more than an undifferentiated components," with "no disclosure of what [the claimed] knowledge is and/or what the design or development is." *Id.*; *see id.* at 1353. And a fourth failed because the plaintiff failed to identify it "with sufficient specificity to 'separate the purported trade secret from the other information that was known in the trade," including information disclosed in a patent application and a journal article. *Id.* at 1356 (quoting *TLS Mgmt. & Mktg. Servs., LLC v. Rodriguez-Toledo*, 966 F.3d 46, 54 (1st Cir. 2020)).

The *Goodyear* case is the latest in a string of recent reminders of the importance of adequately identifying trade secrets before trial. *See, e.g.*, *Medidata Solution, Inc. v. Veeva Sys., Inc.*, No. 17-589, 2022 WL 585734 (S.D.N.Y. Feb. 25, 2022) (precluding evidence at trial when trade secrets not

adequately described); *Zunum Aero, Inc. v. Boeing Co.*, No. 21-896, 2024 WL 3822780 (W.D. Wash. Aug. 14, 2024) (same).

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Footnotes

[1] In addition to finding that four of the five alleged trade secrets at issue were not sufficiently definite, the court held that four were not "secret," four had never been used or disclosed by Goodyear, and two were never conveyed by Coda to Goodyear.

[2] The full identification was "Coda's design and development of a multipurpose interface for transporting air in a self-inflating tire that can connect to the air source, connect to the tire interior, connect to the peristaltic pump, serve as an end to the peristaltic pump, connect to the regulator, carry the regulator, go around or through the bead, go around or through the tire layers, click to the bead and hold the filter." 160 F. 4th at 1353.

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