

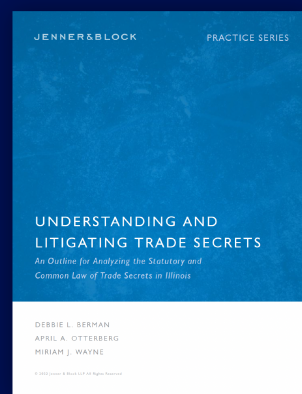
Trade Secrets and Restrictive Covenants

For more than three decades, clients have sought out Jenner & Block to protect their most valuable information and for our counsel on their rights and obligations around restrictive covenants. As the preeminent Trade Secrets and Restrictive Covenants Practice in the United States, we have been at the forefront of some of the most high-profile and historically significant cases shaping this area of the law. Known for our strength in litigation, our singular focus is protecting our clients' most valuable assets, including their confidential information and contractual rights. We counsel clients proactively before legal challenges arise and work strategically with clients to find alternate paths and creative solutions to avoid litigation, when possible.

Understanding and Litigating Trade Secrets:

An Outline for Analyzing the Statutory and Common Law of Trade Secrets in Illinois

READ



Preeminent in High-Stakes Trade Secret Litigation

Our renowned litigators have achieved victories in some of the most significant trade secret cases in history. We litigated *PepsiCo, Inc. v. Redmond*, the seminal US case for the inevitable disclosure doctrine, at both the US District Court and in the Seventh Circuit Court of Appeals. More recently, our practice obtained a \$114 million federal jury verdict in Oklahoma involving, inter alia, claims for unfair competition and other torts related to the use of highly confidential information. The court later granted an injunction against the defendants, requiring them to return our client's confidential information, and the verdict was affirmed on appeal. Just a few years prior, we secured two of the largest trade secret recoveries in history: a \$940 million jury verdict in Wisconsin federal court and a \$130 million settlement in Washington state court. These are only a few examples of the high-impact, high-value trade secret litigation matters we handle for clients.

Crafting Enforceable Agreements in a Changing Landscape

Restrictive covenants are more difficult to enforce than ever before, and the lawfulness of non-competes, in particular, is increasingly coming under scrutiny by state and federal governments. The wrong misstep in an agreement could result in not only an ability to enforce, but also potential civil liability, government fines, and criminal exposure. We have the experience in negotiating and litigating restrictive covenants to understand how these scenarios may play out. We work with clients across a wide range of industries to draft fit-for-purpose and enforceable employment (and other) agreements containing restrictive covenants and non-disclosure provisions to protect their confidential and proprietary information.

A Nimble and Skillful Approach

Trade secret disputes often move fast. We take pride in our ability to offer our clients litigation teams who are seasoned in all aspects of trade secret litigation. In federal and state courts, we have represented clients in trade secret and restrictive covenant litigation, resulting in pre-trial successes, obtaining or protecting against TROs or preliminary injunctions, and favorable verdicts.

Securing our Clients' Most Valuable Assets

We counsel clients on safeguarding their most valuable assets—their confidential business information and stable, skillful workforce. Whether you are losing a senior employee to or hiring one from a competitor, it is critical to have proactive strategies in place to reduce exposure resulting from outgoing and incoming information theft. We help clients reduce risk of trade secret misappropriation by providing counseling on policies and protocols for on- and offboarding employees, third-party vendors, and business partners. We also often counsel and draft restrictive covenant agreements for clients who may need to disclose confidential or proprietary information as part of a business transaction, or when engaging in government contracts or attempting to secure a government contract.

At the Forefront of Emerging Developments

We stand out not only as powerhouse litigators, but also as thought leaders on the leading-edge of Trade Secrets and Restrictive Covenants legal developments. We are immersed in emerging legal developments and frequently write and speak on the Defend Trade Secrets Act (DTSA) and the state law Uniform Trade Secrets Act (UTSA), among others. We put clients in a position of strength by counseling them on the emerging issues that could impact protection of their most valuable information.

Experience

- Achieved a \$114 million federal jury verdict in a dispute that our client considered critical to the preservation of its business unit and among the company's most significant litigation. We represent Hetric, a subsidiary of Methode, in a series of interrelated cases concerning the theft

of highly confidential and proprietary information by Hetronic's former president and vice president of accounting which enabled unfair competition by one of its major distributors. The court later granted an injunction against the defendants requiring the former distributor to return of information. The US 10th Circuit Court of Appeals affirmed the verdict as well as the injunction. The lead partners were named finalists for the *American Lawyer* "Litigator of the Week" recognition on three separate occasions for their role in the trial victory, the injunction, and the appeal.

- Obtained a \$940 million jury verdict for leading software company Epic Systems in a substantial trade secret/corporate espionage case against Tata Consultancy Services, a large foreign conglomerate. The verdict represents one of the largest trade secrets verdicts in US history and perhaps the largest verdict of any kind in Wisconsin.
- Secured, on behalf of News Corp subsidiary Move., Inc., as well as the National Association of Realtors and subsidiaries, a \$130 million settlement in a complex commercial, securities, and intellectual property dispute involving allegations that former senior employees of our client shared trade secrets related to our client's product strategy with their new employer, Zillow.
- Litigated *PepsiCo, Inc. v. Redmond*, the seminal Seventh Circuit case concerning the inevitable disclosure doctrine for trade secrets, both at the trial and appellate level. The case dramatically changed the law with respect to enjoining employees from working for competitors even if they did not sign a non-compete agreement or restrictive covenant.
- Secured a victory for one of the initial investors in the social media website Pinterest.com when a panel of judges from the New York Appellate Division unanimously upheld an earlier dismissal of claims that the investor stole website concepts and shared them with the Pinterest creators.
- Represented a major biotech company in a lawsuit against a pharmaceutical company for misappropriation of trade secrets related to cutting-edge cancer drugs that each was trying to discover and develop. In addition to being a high-stakes case concerning potentially important cancer treatments, the case raised several novel issues in trade secret law. The jury found that the defendant stole our client's trade secrets.

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