

Substantial Trade Secret Verdicts Continue with \$452 Million Decision Against South Korean Company

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US civil juries have returned a number of substantial trade secret verdicts against defendants over the past decade. In December 2024, a company from South Korea became the most recent defendant on the receiving end of a large trade secret jury verdict.

The lawsuit was brought by a company called Insulet. The case was filed on August 2, 2023 in the United States District Court for the District of Massachusetts and assigned case number 23-11780-FDS. The dispute involved information regarding the design, manufacturing process, and functionality of an insulin delivery system marketed by Insulet under the name Omnipod. The complaint filed by Insulet identified the product at issue as “Insulet’s first-of-its-kind ‘patch pump,’ a compact, wearable, waterproof, adhesive medical device that delivers insulin to people with insulin-dependent diabetes.” The complaint alleged that more than \$600 million was invested in nearly two decades of work to bring Insulet’s product to market, whereas defendant EOFlow’s product was brought to market in South Korea in just five years, after EOFlow hired former employees of Insulet and gained access to trade secret information.

The case received media attention previously after a preliminary injunction was entered by the District Court, but the injunction was then reversed by the US Court of Appeals for the Federal Circuit in a sternly worded decision.

In December 2024, after a lengthy trial, the Massachusetts jury concluded that corporate defendants EOFlow, Inc., EOFlow Co., Ltd., and Nephria Bio, Inc., along with three individuals, misappropriated multiple trade secrets of Insulet. According to Insulet’s counsel, the jury awarded Insulet \$170 million in compensatory damages and “also found that the misappropriation of three of Insulet’s trade secrets was willful and malicious and awarded an additional \$282 million in exemplary or punitive damages, for a total damages award of \$452 million.”

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