

NONCOMPETE AND TRADE SECRETS

Armstrong Teasdale's Noncompete and Trade Secrets practice area is known for aggressively, and successfully, representing clients in cases that often involve high-stakes litigation. Trade secrets and other confidential business information are some of a company's most valuable assets. We have won or avoided many temporary restraining orders (TROs) and many preliminary injunctions in numerous U.S. state and federal courts for clients in over 100 industries. In addition, our lawyers have written award-winning articles on noncompete and trade secret litigation that have been cited by the courts.

We protect clients from unfair competition by implementing safeguards to protect critical assets, and by pursuing effective litigation strategies. We have decades of experience handling a diverse array of noncompete, trade secrets and unfair competition cases.

When employees leave to work for a competing business, they may take sensitive company data, or solicit and divert customers and co-workers from their former employer to follow them to the competing business. In these instances, time is often of the essence to stop the dissemination of data or loss of business. Our lawyers are skilled at quickly counseling clients and moving swiftly to obtain immediate injunctive relief through temporary restraining orders and preliminary injunctions, as well as permanent injunctions.

In addition, when a prospective employee has signed a nonsolicit or noncompete agreement with a prior employer, we assist employers in navigating the risks of hiring them and provide advice as to the enforceability of the agreements. We also represent employees who are sued for violating such agreements, as well as employers who are sued for interfering with noncompete agreements that an employee signed with a prior employer.

We also help clients maintain critical evidence by recovering deleted files, browser history and document routing that can be used to pursue legal action.

The experience and knowledge of our noncompete and trade secrets lawyers are further augmented by the firm's Intellectual Property Litigation practice area, which has extensive experience in trade secret misappropriation litigation, as well as other contested intellectual property matters such as patent, copyright, trademark and design right infringements. Together, they provide clients with extensive trial experience and technical ability in pursuing injunctive relief and recovering damages for theft of trade secrets, as well as defending clients against claims of misappropriation.

Proprietary information can also be placed at risk due to data breach, whether malicious or unintended. Our noncompete lawyers work closely with professionals in the Privacy and Data Security practice area to provide guidance on establishing policies and practices before a trade secret theft or data breach occurs, as well as formulating responses following a breach. These policies and practices apply not only to a client company and its employees, but also to vendors and third parties to ensure sensitive information remains secure throughout the supply chain. We accomplish this through measures including data security audits, development and implementation of customer, employee and data privacy policies and practices, document retention policies and employee training programs.

EXPERIENCE

Dismissal of Antitrust, Unfair Competition, Trade Secrets Claims Against Video Streaming Company



Secured dismissal in U.S. District Court for the Southern District of New York of claims against a wireless video streaming technology company. The client faced antitrust, unfair competition and counterclaims over trade secrets from a Chinese competitor.

Prevailed in Trade Secrets Case

Prevailed in a trade secrets misappropriation and breach of fiduciary duty jury trial in the U.S. District Court for the Northern District of Illinois.

Acted for Clients on Employee Noncompete Covenants

Prosecuted and defended restraining orders based on employees' covenants not to compete.

Advised Defense Contractor in U.S. Government Inquiry

Successfully advised a defense contractor in connection with a U.S. Government inquiry, pre-award.

Obtained TRO and Preliminary Injunction in Noncompete Case

Obtained a temporary restraining order and preliminary injunction in federal court for a company against several defendants regarding the violation of noncompete and nonsolicitation covenants and the use of trade secrets in violation of the Defend Trade Secrets Act. Resulted in the return of and destruction of confidential information, a complete victory against the defendants, and favorable resolution of the case.

Defense Counsel Against Action to Obtain TRO, Preliminary Injunction

Served as defense counsel to employee and employee's company against an action by former joint venture partner to obtain a temporary restraining order and preliminary injunction involving contested nondisclosure and noncompete agreements.

Enforcement of Noncomplete, Nonsolicitation Agreements for Global Real Estate Firm

Represented global real estate services firm in enforcement of noncompete and nonsolicitation agreements with former employee.

Representation of Large Health Insurance Company in Noncompete Matters

Represented one of the nation's largest health insurance companies by enforcing noncompetition agreements with former employees.

Dismissal of Case in Breach of Loyalty, Trade Secret Case for Reinsurance Executive

Defended an executive of an international reinsurance broker in a breach of loyalty and trade secret theft case brought by the executive's former employer. The employer sought a multimillion-dollar damages award and after nine months of litigation, the employer was forced to dismiss case on the eve of trial.

Obtained Injunction for Ethanol Manufacturer in Trade Secret Case

Obtained injunction against former employee of ethanol manufacturer, preventing employee from disclosing client's trade secrets.

Temporary Restraining Order for Client Involving Noncompete Agreement

Secured a temporary restraining order for a boiler service company. The defendant, a former employee, left the company without notice and went to work for a competing firm. The employee had signed a noncompete, nondisclosure and noninterference agreement with the client, and the court granted our motion prohibiting the defendant from continuing to work for the competing firm and any other business in the state competing with the client. Following the court's order, the defendant agreed to a permanent consent injunction.

TRO Secured for Financial Client

Obtained a temporary restraining order for a wealth management firm against a former employee regarding the violation of a nonsolicitation agreement. The employee, who had provided services to approximately 300 households representing



about \$50 million in assets, had signed a confidentiality and nonsolicitation agreement stating he would not directly or indirectly do business with or attempt to take away any of his employer's clients.

Successful Defense of Client in Trade Secret Claim

Successfully defended a construction industry client in a trade secret claim wherein the Federal Court in Washington transferred the case on a venue motion to a Federal Court in California. The parties settled the case soon after transfer.

Won Preliminary Injunction for Wine and Spirits Industry Supplier in Trade Secret, Noncompete Case

Won a preliminary injunction following a three-day federal bench trial for a large supplier of materials used in wine and spirits industry. Protected trade secrets and enforced noncompete, and recovered fees for client.

Defense of Chicago Manufacturer Against Wage Payment Action Claims

Successfully defended a Chicago manufacturer against Wage Payment Act claims brought by its former president.

Prosecution of High-Profile Embezzlers

Prosecuted embezzlers, including the partner of a real estate venture, the treasurer of an energy company and the bookkeeper of a significant business.

Prosecution in Matter Involving Breach of Employment Agreement

Prosecuted and defended claims for breach of an employment agreement.

Defense of National Direct Sales Company in Misappropriation Case

Successfully defended a nationally recognized direct sales company against allegations that it misappropriated a competitor's trade secrets in violation of the Illinois Trade Secrets Act.

Representation of National Wholesaler in Breach of Confidentiality Matter

Represented a national commodity wholesaler in action against former employees for breach of confidentiality provision and misappropriation of trade secrets related to hedging strategies.

Representation of Logistics Provider in Noncompete Case

Represented a national third-party logistics provider in action to enforce noncompetition provision against a former employee.

Representation of National Aviation Insurance Broker in Noncompete, Nonsolicitation Case

Represented a national aviation insurance broker in action to enforce contractual noncompete and nonsolicitation provisions against a former employee.

Representation in Employee Terminations, Alleged Rutan Violations

Represented the state of Illinois in disputes involving employee terminations and alleged Rutan violations.

Won TRO in Federal Court for Aviation Business

Won a temporary restraining order (TRO) in federal court on behalf of an aviation business in a trade secret case against a former high-level executive.

Won Permanent Injunction in Trade Secret Case for National Franchisor

Won a permanent injunction in a trade secret case against a former executive on behalf of a national franchisor.