

4 TOP TAKEAWAYS

Considerations for a Trade Secret Plaintiff

Kilpatrick Townsend partner [Audra Dial](#) recently gave a presentation addressing important considerations for trade secret plaintiffs.

Top takeaways from the presentation, include:

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As a plaintiff asserting trade secret claims, it is important to know what information has been misused as quickly as possible. Speed must be balanced with a thorough investigation of the facts to ensure that the information that was misused rises to the level of a trade secret so that the complaint can withstand a Motion to Dismiss.

Trade secret plaintiffs must identify their trade secrets with specificity early in a case in order for the case to proceed into discovery of the defendant's actions.

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Ideally, a potential plaintiff has identified its trade secrets from a discussion involving key stakeholders before a lawsuit arises to ensure that crown jewel information has been protected appropriately as required by trade secret laws.

During trial, it is nearly impossible to have a court seal the courtroom even when the trade secrets are being discussed. Developing strategies to present trade secrets, but protect from public view, is important. For example, courts have allowed trade secrets to be shown only to a jury but not viewable by the public courtroom so that the alleged trade secrets do not lose their trade secret status through disclosure at trial.

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For more information, please contact Audra Dial at adial@kilpatricktownsend.com