



TOP TRADE SECRETS LAWYERS 2022



CHARLES TAIT GRAVES

**WILSON SONSINI GOODRICH & ROSATI
SAN FRANCISCO
LITIGATION**

ity of “bad faith” fee awards when employers bring meritless cases. *FLIR Systems Inc. v. Parrish*, 172 Cal. App. 4th 1270 (2009).

The trade secrets field hardly existed when he began practicing, Graves said. “When I went to law school, trade secret law wasn’t taught, and it wasn’t a practice area. I came along during the dot-com boom when engineers were changing jobs regularly. I found it fascinating to consider what belonged to them, to their former employer and to their new employer.”

California’s law barring non-compete clauses in employment contracts goes back decades, but few other states have such pro-competition statutes on the books. “I strongly believe in President Biden’s call last year to the FTC to ban or limit non-compete agreements,” Graves said. “I can certainly see how that could give rise nationally to revenge lawsuits being filed in lieu of non-compete clauses, but overall it would be a net benefit for companies, the economy and employees.”

Last year, Graves won summary judgment for Google LLC in a case that began with a plaintiff asserting trade secrets misappropriation, breach of contract and other claims. The litigation began when a company sent Google two smartwatches featuring a keyboard application it alleged that Google misused in its own app. The court granted summary judgment on the grounds that Google had developed its own keyboard app independently. *Snapkeys Ltd. v. Google LLC*, 5:19-cv-02658 (N.D. Cal., filed May 16, 2019).

Then-U.S. District Judge Lucy H. Koh adopted a parallel Graves suggested between the facts of the case and the independent development theory often used in Hollywood screenwriter independent creation litigation. “It was the first time a court melded these principles,” Graves said.

— JOHN ROEMER

Charles Tait Graves is a partner and trade secrets authority at Wilson Sonsini Goodrich & Rosati who has written, counseled and litigated widely on the topic. He has taught a course on trade secrets law since 2009 at UC Hastings College of the Law, where he received his JD cum laude in 1998.

He’s the author of the 2007 law review article, “Trade Secrets as Property: Theory and Consequences.” And Graves prevailed in a seminal case that rejected the so-called inevitable disclosure theory as applied to departing employees and affirmed the possibil-