

Trade Secret Litigation



HIGHLIGHTS

■ Among the World's Best Trade Secret Practices

Wilson Sonsini's trade secret attorneys are widely regarded as leaders in their field. We create strategies, legal arguments, and best practices that other law firms follow. While others offer generalists, we offer trade secret specialists. We litigate cases to jury trial and appeals, and provide strategy for founders and companies, at the highest levels of complexity.

■ Both Plaintiff- and Defense-Side Litigation Expertise

We have attorneys who handle both the plaintiff and defense sides of trade secret and employee mobility disputes. We practice in states and federal courts around the country, before trial judges, juries, and appellate panels.

■ Recently Recognized Among the Top Trade Secrets Lawyers by the Daily Journal

Wilson Sonsini partners [Amy Candido](#) and [Tait Graves](#) were recognized in the *Daily Journal's* "Top Trade Secrets Lawyers" report in 2023 and 2022, respectively. Each year, the *Daily Journal* compiles its list of top attorneys who focus on trade secrets, based on recent matters handled by the attorneys.

OVERVIEW

Wilson Sonsini has the nation's most in-depth, technology-focused trade secret and employee mobility practice. Our trade secret attorneys are widely published and recognized as leaders in the field. The firm often has been the first to raise creative, cutting-edge legal theories that have been adopted in many published cases and subsequently followed by other law firms.

We have advised and represented hundreds of visionary companies, entrepreneurs, investors, and start-up founders—not only in Silicon Valley, but also in innovation hubs across the nation and around the world.

We work hand in hand with our patent, copyright, privacy and data protection, employment, antitrust, and trademark colleagues to provide clients with extremely specialized advice across all areas that touch new technology development.

A Regional Focus Where the Law Differs

Trade secret and employee mobility law differs—often dramatically—from state to state. Knowing site-specific case law, how judges handle cases, and how opposing counsel settle disputes is often crucial to achieving a favorable outcome. In turn, clients typically must apply different policies, use different contracts, and plan risks differently where they have multi-state operations. Wilson Sonsini attorneys keep up with case law around the country, with teams in place in key geographies nationwide.

What We Cover

Trade Secret Law: The firm has repeatedly led the way in developing trade secret law in complex technology cases, with precedent-setting and attention-grabbing wins on issues including trade secret identification, remedies, UTSA preemption, inevitable disclosure, bad faith, choice of law, and more.

Restrictive Covenants: Depending on the jurisdiction, non-competition covenants and non-solicitation covenants can be an important part of the legal landscape for litigants and mobile employees. Understanding the risks when hiring employees from a particular state—as well as understanding one's rights with respect to departing employees located in different states—is a central part of our practice.

Workforce Training: There may be no better deterrent to trade misuse—whether preventing lawsuits from former employers or reducing the chance that employees take company information when leaving—than hands-on employee training. Wilson Sonsini regularly provides in-person employee training sessions that present key legal principles in an engaging format that engineers, executives, and salespeople can readily understand and follow.

Investment and Deal Diligence: When investors consider funding a new start-up or need legal guidance, when a small company needs to present its best face to venture capitalists, or when larger companies consider a merger or acquisition, conducting diligence on trade secret issues is often a necessary component. We have repeatedly undertaken deal diligence from every angle.

Internal Investigations: We run internal investigations into trade secret issues, often in tandem with other firm investigatory practices.

Standard Operating Procedures and Best Practices: We have procedures and policies at the ready to bring all companies to or above industry standards.

Invention Assignment Law: Invention assignment law is an often-overlooked area of IP litigation and counseling, but it can affect valuable patent, trade secret, and other rights. We routinely counsel clients on the correct wording to use in such contracts and represent clients in disputes over the reach of invention assignments.

Preparations to Compete and Fiduciary Duty: Fiduciary status can transform the risks when employees plan to leave and form a new business, posing important legal questions for employers, departing fiduciaries, and those who hire them. Where fiduciary duty is a category of intellectual property law, we know what the law permits and prohibits, and advise clients accordingly.

NDA Disputes Between Businesses: Not every trade secret dispute involves mobile employees. We frequently have advised clients and litigated disputes where business partnerships come apart and the parties dispute ownership of their work together.

Clean-Room Development: Companies often face the need to develop new technology, but risk claims of contamination from licensors, business partners, and former employers. We provide complex, in-depth clean-room planning for a range of high-tech industries, with a relentless focus on the details that reduce litigation risks.