

Employee Mobility, Noncompetes & Trade Secrets

Keeping trade secrets secret is vital to a company's success. But sensitive information has never been at greater risk of falling into the wrong hands. Offering not only increased employee mobility, but also easy electronic means of taking and storing data, today's global marketplace is a risky environment for data theft. And as employees move to different states, countries, and continents to pursue opportunities, proprietary data often moves with them. Whether you are an employer fighting to maintain your competitive edge or an employee looking to avoid legal action, you need to take the right steps to protect your interests.

Mintz Levin has a broad-based team of knowledgeable attorneys in place to assist you. Commanding substantial experience across US and international jurisdictions with noncompete agreements, trade secret laws, and other issues relating to employee mobility, we have helped companies across a wide range of industries protect their confidential information and trade secrets — developing proactive strategies, and, when necessary, representing our clients' interests in court. We also provide practical counsel to help executives avoid mistakes that could put them or their new employers in jeopardy.

Applying the knowledge gained by representing clients in hundreds of cases, our attorneys help craft noncompete and related agreements that deliver real protection. Because we so frequently encounter these agreements in litigation, we understand the nuances that make them more, or less, effective, and what types of clauses need to be included. Our work with clients across the country is also an asset when cases span multiple jurisdictions. Our team has handled many complex, cross-jurisdictional issues, and can spot and defend against potential problems.

When it comes to protecting your data, trade secrets, and other information, timely and efficient action can make the difference. Our attorneys provide sound advice and counsel to help you avoid data theft or resolve issues quickly and cost-effectively when they arise.



Quick Facts

- Attorneys with 20+ years of experience with noncompete issues and trade secret law in multiple jurisdictions worldwide
- Backed by 100+ litigators
- Prosecute, defend, and try noncompete and trade secret actions
- Multidisciplinary practice, including privacy, intellectual property, and immigration attorneys
- Trade secret and unfair competition protections, including covenants not to compete, nonsolicitation provisions, no-hire clauses, and other post-employment restrictions

Representative Experience

- Obtained for CrossFit, Inc., one of the fastest-growing sports and fitness programs in the country, a preliminary injunction requiring a nutritional supplement company, Maximum Human Performance (MHP), to remove certain content and videos related to exercise instruction from its website, YouTube, and social media based on a finding that the MHP mark was likely to cause confusion with the CrossFit trademark.
- Represented the leading provider of organization-based cloud computing applications, its CEO, and several of the CEO's coworkers after they left their former employer to join the company. The former employer sued alleging that our client had violated the nonrecruitment provisions of his restrictive covenant agreement. The case settled on favorable terms.
- Represented LinQuest Corporation in a major trade secret matter involving the return of all of LinQuest's property, including its electronic data.
- Represented six asset managers and their investment management company in a high-profile, \$250 million trade secret misappropriation and breach of fiduciary duty litigation.
- Represented a telecommunications company, Nextivity, in an arbitration involving the former Chief Technology Officer (CTO) of the company who had filed in his own name four key patents related to the client's core technology and intellectual property immediately after his employment was terminated. We filed an amended claim against the CTO for breach of fiduciary duty, breach of contract, and misappropriation of trade secrets, which led to a settlement, including the assignment of the four key patents.
- Represented Canyon Graphics, a privately owned printing and graphics company, in asserting counterclaims for misappropriation of trade secrets and related causes of action in response to an arbitration demand for breach of contract and fraud.
- Obtained a preliminary injunction in a trade secrets case that enjoined a group of former employees from calling on or selling to any of their former customers in Northern California for one year from the date of the employees' resignations.
- Represented Panera Bread Company adverse to Cusi on noncompete and theft of trade secrets claims.
- Successfully resolved a preliminary injunction application between medical device manufacturer/distributors after 10 days of expedited discovery in the United States District Court for the Southern District of Florida. Issues in the case included scope of competition and noncompete clauses, breach of fiduciary duty, misappropriation of trade secrets, and civil conspiracy.

Our Services

- Litigate noncompete restrictions and trade secret protections in federal and state courts and at arbitration
- Draft noncompete agreements with employees, independent contractors, joint venture partners, and others
- Provide multijurisdictional representation
- Anticipate and minimize risk of parallel actions

Clients We Serve

- Fortune 500 companies
- Start-ups and emerging companies
- All industries, including financial services, health care, manufacturing, and professional services
- C-level executives

Connect

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