

## NON-COMPETES & RESTRICTIVE COVENANTS



Talented people and proprietary information comprise the heart and soul of many businesses, which make arrivals and departures of key employees of great importance, particularly when those employees have access to sensitive data and processes.

Our team helps clients get out in front of key issues. We bring years of experience to drafting and interpreting non-competes and restrictive covenant agreements (including covenants regarding confidentiality, customer non-solicitation and employee raiding). Our attorneys know that developing and implementing these tools at the beginning of employment relationships is the most effective way to avoid costly disputes when a key employee departs. Husch Blackwell monitors the state-specific laws in this area to ensure our clients are up-to-date and protected.

When disputes arise, we pivot quickly to a litigation posture, building multi-disciplinary teams capable of taking the offense or defense in non-compete and/or restrictive covenant litigation. These cases often involve fast-tracked hearings and petitions for injunctive relief, and our lawyers have significant experience achieving positive results for clients in state and federal courts.

### Case Study

#### Farmobile LLC

Farmers Edge alleged that Farmobile's co-founders—former employees of a company acquired by Farmers Edge in 2014—had misappropriated purportedly proprietary information in

*The firm's willingness to truly embrace our partnership through alternative fee arrangements has transformed and enhanced the traditional inside-outside counsel relationship.*

— Carey L. Bartell, Vice President, Chief Counsel – Legal & Government Affairs —

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the development of farm data-collection and standardization technologies. Farmobile turned to Husch Blackwell to defend it in potentially enterprise-threatening litigation.

## Representative Experience

Counsel for Heico Corp. in obtaining summary judgments dismissing patent infringement and trade secret claims in a case involving jet engine parts in litigation with United Technologies Corp.

Represented a company based in Washington, DC, in a lawsuit filed against a local university over the unconstitutional "taking" of its trade secrets. The jury found in favor of client and awarded \$12 million in damages.

Defended a telecommunications company and its principals in a lawsuit brought by a Singapore telecommunications company alleging breach of contract and theft of trade secrets. Obtained a dismissal of all claims without payment of any money to the plaintiff.

Defended a California-based startup company against patent infringement and misappropriation of trade secret claims relating to CMOS power amplifier used in cell phones. After a two-week trial, the jury found in favor of client on 35 of the 36 submitted claims and awarded no damages. The judge entered a take-nothing judgment on the merits in favor of client.

Defended Garmin International Inc. in a trade secret misappropriation claim. Damages and fees awarded to Garmin for improvidently granted restraining order.

Obtained favorable arbitration award for global energy producer on theft of trade secret count in patent infringement and trade secret lawsuit brought in U.S. District Court, Northern District of Oklahoma, relating to oil exploration technology.

Assisted Florida counsel in obtaining summary judgments dismissing patent infringement and trade secret claims in a case involving jet engine parts.

Obtained dismissal of a trade secret misappropriation claim for lack of standing brought against a national manufacturer of aluminum cans.

Represented large St. Louis-based packaging equipment manufacturer to enforce noncompete agreements and prevent dissemination of trade secrets by former employees.

Represented Huhtamaki in a significant trade secret case over Canadian production of Chinet paper plates.

Argued before the Trademark Trial and Appeal Board and obtained reversal of the trademark examiner's refusal to register under Section 2(d) In re Capital Blue Cross, Serial No. 78869843.

Counsel for Rockwell Electronic Commerce Corp. in action for trade secret misappropriation relating to technologies involved in call center solutions.

Successfully prosecuted claims of breach of contract, tortious interference, and trade secret misappropriation for supply chain management company after defendants implemented a multi-year conspiracy to solicit employees and misappropriate trade secrets.

