

Unfair Competition, Trade Secrets and Restrictive Covenants

Williams & Connolly's Unfair Competition, Trade Secrets and Restrictive Covenants practice group regularly represents companies and individuals in connection with unfair competition lawsuits and related claims. Our experience includes representations involving allegations of misappropriation or improper disclosure of trade secrets and confidential information, breaches of non-competition, non-solicitation, and other restrictive covenants, misuse or infringement of intellectual property by competitors, breaches of fiduciary duties, tortious interference with customer or employment contracts, and improper hiring practices – including so-called “raiding.” Our lawyers have experience litigating these and other related issues in state and federal courts, as well as before arbitral panels, including those convened by the Financial Industry Regulatory Authority (“FINRA”), American Arbitration Association and the International Centre for Dispute Resolution (“AAA/ICDR”) and JAMS (formerly known as Judicial Arbitration and Mediation Services).

Representative Experience

Though all cases vary and none is predictive, the firm's experience includes:

- Successful representation of an international commercial real estate data firm, in copyright and unfair competition litigation in federal court in Missouri and Pennsylvania, and coordinating related lawsuits, including obtaining ex parte civil search and seizure orders, against the defendant's agents in The Philippines and India. In the Missouri litigation, the firm's client won a judgment of \$500 million, the largest ever recorded judgment for copyrighted images, as well as a broad permanent injunction.
- Lead trial counsel for a global medical company for the defense in state court in Wilmington, DE, in a commercial dispute involving contract and trade secrets claims in excess of \$400 million. After summary judgment for client on the trade secrets claims, the jury returned a defense verdict on the contract claims.
- Lead defense counsel for a global private equity firm in trade secrets litigation in New York over the hiring of a senior executive. After defendants filed two motions to dismiss, the case settled on favorable terms.
- Representing an automobile dealership group in a nationwide class arbitration alleging unfair trade practices. The Court issued a rare decision vacating an arbitrator's class certification award.
- Successfully trying to verdict a case on behalf of a major electronics company in which a competitor sought over \$450 million claiming misappropriation of advanced interconnection technology.
- Achieving singular success in two separate lengthy representations of individuals charged under the Federal Economic Espionage Act (“EEA”), a law that criminalizes the theft of trade secrets. In each case, the government ended up dismissing the case against the firm's client with prejudice.
- Acting for an inter-dealer brokerage desk in a FINRA arbitration in New York brought by a London-based brokerage involving claims of illegal hiring, theft of confidential information and breaches of restrictive covenants. After merits hearings spread over three months, the Panel denied the multi-million dollar claims brought by the claimant and granted 100% of the brokerage desk's counterclaims.

- Representing two financial services executives in a FINRA arbitration in Dallas alleging misappropriation of confidential information and improper solicitation. The Panel dismissed all claims in their entirety.
- Acting for a global private equity firm in a trade secrets case in Texas state court involving the acquisition of the largest marina in the United States. After challenging the lawsuit on jurisdictional grounds the matter settled on favorable terms.
- Defending a global private equity firm in trade secrets litigation in Arizona federal court and New York state court over the hiring of a senior real estate investment manager. After the firm's clients defeated a request for a temporary restraining order and, after filing motions to dismiss, the case settled on favorable terms.
- Representing a large corporate client as plaintiff in litigation against a competitor in federal court in Texas relating to the unauthorized use of proprietary images and data. The plaintiff obtained a permanent injunction and a seven-figure damages award.