

*This is your Release #17 (August 2022)*

# Trade Secrets

## A Practitioner's Guide

### *Second Edition*

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In this release, Professor Perritt covers many important caselaw developments. Highlights include:

**Patents:** Revisions to sections 2:3 and 2:3.3 include discussion of the Supreme Court decisions in *Minerva Surgical, Inc. v. Hologic, Inc.*, related to assignor estoppel, and *United States v. Arthrex, Inc.*, where the Court held that the unreviewable authority exercised by administrative patent judges during inter partes review violated the Appointments Clause and thus was unconstitutional.

**Covenants not to compete:** Section 6:6.3 incorporates decisions from the Wyoming Supreme Court (reversing an injunction forbidding nurses from working for a competitor) and the Eighth Circuit (reversing a preliminary injunction prohibiting a former employee from violating a non-compete agreement).

**Trade secrets litigation:** Several sections are updated with caselaw from the Third Circuit that addresses issues that regularly occur in trade secrets litigation, including sufficient identification of the trade secret (see *Oakwood Laboratories, LLC v. Thanoo* in sections 7:6 and 10:9.1 and *Mallet & Co. Inc. v. Lacayo* in section 13:2.4); sufficient evidence of misappropriation (see *Mallet & Co. Inc.* in section 13:2.5); the scope of injunctive relief (see *Oakwood* and *Mallet & Co. Inc.* in section 13:2.4); and bond requirements (see *Mallet & Co. Inc.* in section 13:2.3[E]).

**Venue:** Updates to section 10:5.1 include a discussion of *United States v. Smith*, in which the Eighth Circuit considered whether a defendant can be tried in a venue where he did not commit any of the conduct elements of the charged crime of theft of trade secrets.

*(continued on reverse)*

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In addition, this release includes an updated **Table of Authorities** and **Index**.

Thank you for purchasing *Trade Secrets: A Practitioner's Guide*. If you have questions about this product, or would like information on our other products, please contact customer service at [info@pli.edu](mailto:info@pli.edu) or at (800) 260-4PLI.

# Filing Instructions

## Trade Secrets A Practitioner's Guide *Second Edition*

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