



# How To Keep Trade Secrets Safe

News

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In the article, "How To Keep Trade Secrets Safe," featured in *Law360*, attorney Bob Yonowitz provides tips on how companies in any industry can keep their trade secrets safe following a recent lawsuit filed by America's Test Kitchen.

"It's a popular misconception that trade secrets usually apply to high-tech companies," Fisher Phillips employee defection and trade secrets practice co-chair Bob Yonowitz said. "In theory, every business can have trade secrets. If you have competitive data you've developed that gives you advantages in the marketplace that other companies aren't aware of, you have potential trade secrets."

"You have to be able to demonstrate reasonable efforts to maintain its secrecy," Yonowitz said. "The court isn't going to treat it like a diamond if you don't treat it like a diamond."

"We have to demonstrate that we've done everything to get back information that was provided to employees so they could do their job and have evidence we did that," Yonowitz said. "Then, if the employee took stuff, that termination certificate is wonderful because ... we can show they swore they didn't."

"Take a look at the last 60 or 90 days of that employee's computer-based activity to determine whether they have been trafficking or transferring information to personal email accounts or connecting to a hard drive," Yonowitz said. "We also look at things like mass deletions because evidence of destruction of trade secrets is evidence of misappropriation."

"The key here is speed," Yonowitz said. "You can't sit on these. As soon as you have an understanding this theft may have occurred, as an employer, you have to move quickly to demonstrate you're making reasonable efforts to protect sensitive information."

To read the full article, please visit [Law360](#).

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