

## **XIX. TRADE SECRETS**

### **A. CASE LAW**

#### **1. U.S. Courts of Appeal**

- a. *Nationwide Mutual Insurance Co. v. Mortensen*  
95 USPQ2d 1305**

The U.S. Court of Appeals for the Second Circuit ruled on May 11, 2010 that policyholder information that defendant insurance agents allegedly took from plaintiffs' computer system does not qualify as trade secret, since information is readily available from physical policyholder files.

#### **2. U.S. District Courts**

- a. *Gene Codes Corp. v. Thomson*  
81 BNA's PTCJ 492**

The U.S. District Court for the Eastern District of Michigan ruled on February 11, 2011 that the former employee of a DNA-analyzing software company is not liable for stealing the company's trade secrets under Michigan's Uniform Trade Secrets Act.

#### **3. State Courts**

##### **California**

- a. *Pacesetter Inc. v. Nervicon Co.*  
81 BNA's PTCJ 868**

A jury in the California Superior Court on April 22, 2011 awarded St. Jude medical \$2.3 billion in case involving theft of trade secrets including schematics, specifications, source code and drawings.

## **XX. TRADE SECRETS/DISCOVERY**

### **A. CASE LAW**

#### **1. U.S. District Courts**

- a. *Rimkus Consulting Group, Inc. v. Cammarata*  
688 F.Supp. 2d 598**

The U.S. District Court for the Southern District of Texas on February 19, 2010 confronted a spoliation of evidence claim based on the defendant's destruction of e-mails. Although the elements of *res judicata* otherwise were present, the court held that a prior state court proceeding did not preclude the issues to which the deleted e-mails were relevant, including the misappropriation of trade secrets claims.