

TRADE SECRET & NONCOMPETE LITIGATION

OVERVIEW

Our Foulston trade secrets and noncompete litigation team includes some of the most effective and experienced trial attorneys in Kansas and Missouri. They have litigated (and drafted) every kind of restrictive covenant – noncompetes, nondisclosures, nonsolicitation of customers, nonsolicitation of employees, non-disparagement, and more. They have helped employers protect a broad variety of intellectual property rights, including through the drafting or enforcement of NDAs and “Work for Hire” arrangements. And they know what it takes to prove or defend against claims under the state Uniform Trade Secrets Act, the federal Defend Trade Secrets Act, the Computer Fraud and Abuse Act; claims for breach of fiduciary duty or duty of loyalty; claims relating to trademark, trade dress, or unfair competition; and similar claims under the common law and the Lanham Act. Our Foulston team has represented Fortune 500 and other well-known national and regional companies in high-stakes trade secrets cases; helped employers of all sizes enforce noncompete agreements against wayward former employees; navigated the defense of a new employee being sued on a noncompete; crafted strategic plans for closely held and startup businesses who need to protect their information and customer relationships through the use of customizable agreements; and everything in between.

AREAS OF REPRESENTATION

Legal Representation

We represent businesses and employees, including doctors and other professionals throughout Kansas, in matters involving:

- Trade secret misappropriation
- Breach of noncompete, nonsolicitation, and/or nondisclosure/anti-piracy agreements

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- Unfair competition
- Social media
- Tortious interference with business relationships and contracts
- Breach of fiduciary duty
- Violations of the Computer Fraud and Abuse Act (CFAA)
- Violations of the Uniform Trade Secrets Act
- Violations of the Stored Communications Act

Business Representation

We are able to help your business prevent the loss of valuable intellectual assets by:

- Auditing your trade secrets and proprietary information
- Drafting and enforcing tailored noncompete agreements, covenants not to compete, nondisclosure agreements, nondisclosure/anti-piracy agreements, and other restrictive covenants
- Conducting employee training on safeguarding trade secrets and proprietary information
- Conducting audits of key employee personnel files to make sure they have appropriate restrictive covenant in place
- Determining whether a noncompete agreement is legally enforceable before hiring a competitor's former employee

Employee Representation

If you are a transitioning employee who needs assistance with a noncompete matter, we can review your non-compete contract and provide you with advice and counsel on your options. Our review includes a summary of Kansas noncompete laws, strategies for negotiation, potential resolutions, and if necessary, litigation in lawsuits seeking to enforce the noncompete agreement.

PUBLICATIONS

ARTICLES

2021

Plan #TheBigShift Carefully to Protect Yourself From #TheBigLawsuit

2014

Analyzing a Trade Secret Case in Kansas
-The Journal of the Kansas Bar Association

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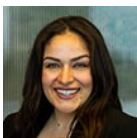
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