

George Mason University
School of Law, Spring 2009
Seven Week Class
Thursdays, 6:00 – 7:50 pm
Rm 332

TRADE SECRETS
Course No. 347-002
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**1. Trade Secrets v. Other Forms of Protection
January 8, 2009**

- *Introduction to Course
- **Kewanee Oil Co. v. Bicron Corp.*, 416US 470, 94 S.Ct. 1879,
181 USPQ 673 (1974) (All)
- **DVD Copy Control Ass'n Inc. v. Bunner*, 31 Cal.4th 864,
68 USPQ2d 1385 (2003) (pp.1386; I A, pp.1387-88, II pp, 1389-
90; III B, pp 1390-92; III D, pp 1396-98)
- **W.L. Gore & Assoc. Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303
(Fed. Cir. 1983) (F2d – pp. 1549-1550, USPQ – pp. 309-310)

**2. Subject Matter of Trade Secrets & Competitive Advantage
January 15, 2009**

- **Religious Technology Center v. Scott*, 869 F2d 1306, 10 USPQ2d 1379
(9th Cir. 1989) (All)
- **Optic Graphics, Inc. v. Agee*, 87 Md.App 770, 591 A2d 578 (Md.App.
1991) (Part I, pp.584-587)
- **Air Products & Chem. Inc. v. Chas. S. Tanner Co. et al.*, 219 USPQ 223
(D.S.C. 1983) (Part” V, A, B &C” pp. 251-253)
- **Web Communications Group v. Gateway 2000, Inc.* 889 F. Supp. 316
(N.D.Ill., 1995) (Part III A., pp 391-321)
- **Tao of Systems Integration Inc. v. Analytical Services*, 299 F. Supp 2d
565, pg 568-570; 574-576 (E.D. Va 2004)
- **Microstrategy Inc. v. Business Objects S.A.*, 331 F Supp 2d 396
(pg 421-426) (ED Va 2004)

3. Secrecy – Techniques for Protection & Secrecy (Publication)
January 22, 2009

- **Hoechst Diafoil Co. v. Nan Ya Plastics Corp.*, 174 F.3d 411, 50 USPQ2d 1332 (4th Cir. 1999) (pp.1332-1338)
- **B.C. Ziegler & Co. v. Ehren*, 141 Wis. 2d 19, 414 NW 2d 48 (1987) (All)
- **Matter of Innovative Construction Systems Inc.*, 793 F.2d 875, 230 USPQ 94 (7th Cir. 1986) (pp. 94-103)
- **Secure Services Technology Inc. v. Time and Space Processing Inc*, 722 F. Supp 1354, 12 USPQ2d 1617 (E.D. Va 1989) (pp. 1356-1632)
- **Rhone-Poulenc Agro SA v. DeKalb Genetics Corp.*, 272 F.3d 1335, 60 USPQ2d 1769 (Fed. Cir. 2001) (Sections I, VI)1
- **Zotos Intl., Inc. V. Young*, 830 F2d. 350, 4 USPQ2d 1330 (DC Cir. 1987) (All)
- **Group One Ltd. v. Hallmark Cards Inc.*, 254 F.3d 1041, 59 USPQ2d 1121 (Fed. Cir. 2001) (Section III only)

4. Wrongful use – Special Relationship- (including submission of outside ideas and employee covenants)
January 29, 2009

- **Smith v. Snap-On Tools Corp.*, 833 F.2d 578, 5 USPQ2d 1122 (5th Cir. 1987) (All)
- **Raybestos – Manhattan, Inc. v. Rowland*, 460 f.2d 697, 174 USPQ 137 (4th Cir. 1972) (All)
- **Burten v. Milton Bradley Co.*, 763 F2d 461, 226 USPQ 605 (1st Cir. 1985) (All)
- **Dionne v. Southeast Foam Converting & Packaging Inc.*, 240 Va 297, 17 USPQ2d 1565 (Va., 1990) (All)
- **Roto-Die Co. v. Lesser*, 899 F. Supp. 1515 (W.D. Va., 1995) (pp 1517-1522)
- **Lanmark Technology Inc. v. Canales*, 454 Fed. Supp 2d 524 (ED VA 2006) (All)
- **Pepsi Co, Inc. v. Redmond*, 54 f.3d 1262, 35 USPQ2d 1010 (7th Cir. 1995) (Part “A” pp. 1267-1271)

5. Wrongful Use and Transferring Rights (Joint Development and Confidentiality Provisions)
February 5, 2009

- **Lamb-Weston, Inc. v. McCain Foods, Ltd.*, 941 F.2d 970, 19 USPQ2d 1775 (9th Cir. 1991) (Sections I and II, pp. 972-973)
- **Williams v. Curtiss-Wright Corp.*, 681 F.2d 161, 216 USPQ 108 (3rd Cir. 1982) (Section II, pp 163-164)
- **Chicago Lock Co. v. Fanberg*, 676 F.2d 400, 216 USPQ 289 (9th Cir. 1982) (All)
- **E.I. DuPont deNemours & Co v. Christopher*, 431 F.2d 1012, 166 USPQ 421, 167 USPQ 1 (5th Cir. 1970) (All)

- **Aronson v. Quick Point Pencil Co.*, 440 US 257, 201 USPQ 1 (1979)
(All)
- **Harold L. Bowers v. Baystate Technologies, Inc.*, 320 F.3d 1317, 65 USPQ2d 1746 (Fed. Cir. 2003) (pp.1323-1328, 1335-1338)
- **Roton Barrier, Inc. v. The Stanley Works*, 79 F.3d 1112, 37 USPQ2d 1816 (Fed. Cir. 1996) (Excluding Section IV)

**6. Defenses/Trial Strategy & Remedies
February 12, 2009**

- **Standard Brands Inc. v. Zumpe*, 264 F.Supp. 254, 152 USPQ 731 (ED. La., 1967) (pp. 260-271)
- **Capital Tool & Mfg. Co. v. Maschinenfabrik Herkules*, 837 F.2d 171, 5 USPQ2d 1705 (7th Cir. 2001) (pp.1705-1711, 1715-1720)
- **Computer Assoc. International, Inc. v. Altai, Inc.*, 982 F.2d 693, (2nd Cir. 1992) (Section II A. pp. 716-719)
- **Seatrax Inc. v. Sonbeck International, Inc.*, 200 F.3d 358, 53 USPQ2d 1513 (5th Cir. 2000) (Section I, pp.1515-1518)
- **Automed Technologies Inc. v. Eller*; 160 F. Supp 2d 915 (I Trade Secrets; V Protective Order) (N.D. Ill 2001)
- **Mike's Train House, Inc. v. Lionel L.L.C.*, 472 F.3d 398 (6th Cir 2006).
(Section 3B "Specificity of Trade Secrets")

**7. Lecture on U.S. Trade Secret Law and Trade Secret Protection in Foreign Countries/Course Review
February 19, 2009**

- *Lecture – U.S. Trade Secret Law (18 USC §§ 1831- 39)
- *Lecture – Foreign Protection & Review – Jay Prabhu (703) 299-3842
(202) 352-4256

**• FINAL EXAM TENTATIVE DATE
Thursday, March 5, 2009; 6:00-7:50 p.m.**

References

- A. *Milgrim on Trade Secrets*, by Roger M. Milgrim, Matthew Bender, New York, NY.
- B. *Trade Secrets A State-by-State Survey*, Arnold Pedowitz, et al., The Bureau of National Affairs, Inc., Washington DC, 1997.
- C. *Trade Secrets Protection and Exploitation*, Jerry Cohen, et al., The Bureau of National Affairs Inc., Washington DC, 1998.
- D. *Trade Secrets A Practitioner's Guide*, Henry Perritt, Jr., Practicing Law Institute, New York, NY, 1994.
- E. Restatement of the Law of Unfair Competition (1993) §§ 39-45.
- F. Restatement of Torts (1939) § 757.
- G. The Trade Secret Handbook, Protecting Your Franchise System's Competitive Advantage, Michael J. Lockerby, Editor, ABA (2000).