

Speaker 1 ([00:04](#)):

[inaudible]

Jordan Grotzinger ([00:05](#)):

Welcome to the trade secret law evolution podcast, where we give you comprehensive summaries and takeaways on the latest developments and trends in trade secret law. We want you to stay current and ahead of the curve when it comes to protecting your company's most valuable assets. I'm your host Jordan Grotzinger. So we are recording episode seven of the trade secret law evolution podcast, and we're introducing a new guest host my partner, Ashley Farrell Pickett. Hi Ashley.

Ashley Farrell Pickett ([00:37](#)):

Hello.

Jordan Grotzinger ([00:37](#)):

Why don't you say a few words about what you do?

Ashley Farrell Pickett ([00:41](#)):

Sure So I am a recently elevated shareholder at Greenberg Traurig. Get to work just down the hallway from Mr. Jordan Grotzinger and I am in the employment space. So I mostly do employment litigation and a lot of class action and single plaintiff work and go over a bit, lead into a bit some of the issues that are going to be talking about today in terms of trade secrets and confidentiality with employees and so forth, have some counseling experience in that regard, and then work with our counselors to make sure that we're implementing the best policies and updating the best policies for our clients to ensure that they don't get into the type of litigation we're going to speak about today. And if they do that, they're in the best possible position to prevail

Jordan Grotzinger ([01:23](#)):

Well said, my friend and the crossover aspect is really why I thought, um, you would be a great guest on, I mean, we've worked together as well, and we've gone on pitches and I think you've been called the closer five by certain folks. Uh, but for, for the non lawyers among the tens of listeners, we have trade secret law intersects quite significantly with employment law, which is Ashley's specialty. So per usual, we're going to talk about the latest developments since the last episode. And, um, in the first does episode seven. So in the first six episodes, we've talked about cases. We look at case law, uh, in the period between the episodes decide what's important. What's not. And talk to you about what, uh, is worth discussing. We're going to do that again today. There's actually only two cases we're talking about, but one is quite interesting and involved a three-week jury trial, a multimillion dollar award, and a reversal of that award effectively, and the reasons why, but this podcast, as we say in the intro, talks about developments and trends. So we're gonna start with the trend. Uh, we saw an article earlier this week on the increasing costs of trade secret litigation shocker, right? Uh, not really, but according to a survey by the American intellectual property law association, the cost of trade secret litigation is spiked over the last four years. And this survey was based on responses from, uh, 961 association members to an online questionnaire.

Ashley Farrell Pickett ([03:01](#)):

Yeah. And what was interesting about this is it's not just an increase, which, you know, somewhat is typical, um, in different areas of litigation, but it was pretty significant. So with trade secret cases that are worth over 25 million at issue, I should say, not worth over 25 million were over 25 million. Is that issue the costs for those cases tripled to 7.5 million. And for cases with 10 to 25 million at issue the cost for those more than doubled to \$4.1 million,

Jordan Grotzinger ([03:32](#)):

Obviously a lot of money. And to us that, and probably to our listeners, uh, that would raise two big questions. Question number one is why, why is that happening? Why, why the spike in the cost and more importantly, what can be done. So as to the why, uh, an obvious answer would be perhaps, uh, trade secret protection is too vulnerable companies, insufficiently protect their trade secrets, which of course is an overall subject of this podcast. And also as one attorney interviewed in this article said when asked about the survey during litigation and as all of our listeners know, because we address this subject in every episode, there is a lot of back and forth over the specificity of what allegedly was stolen. That is the subject of trade secret identification, which we address in the discovery context, the pleading context, and even today in the trial context, but that's an issue that always needs to be focused on. You're probably never going to have a trade secret case where it's not a fight, but you can mitigate that issue and minimize that fight by sufficiently identifying your trade secrets as we've discussed a lot and we'll continue to discuss.

Ashley Farrell Pickett ([05:01](#)):

Yeah. And that really goes perfectly into what can be done to try to curtail personally, a company dealing with this increased litigation, increased costs associated there with, um, as you just referred to obviously making sure that you are identifying the trade secrets that you have, knowing them and taking the appropriate measures to ensure that you are protecting them. And I know that you've talked about this several times on the various episodes of, you know, the general four buckets that we have to protect trade secrets, which is contracts or agreements with employees typically, um, the policies that those employees are governed by and the technology that you have as a barrier to that information being available to the general public and also then physical barriers as well.

Jordan Grotzinger ([05:51](#)):

Right. And, and not only to the general public, but even within a business. So, uh, protection can include, uh, the restriction and often should include the restriction of your trade secrets, um, to a select group of people within a company and not access to all certainly outside of the company too.

Ashley Farrell Pickett ([06:12](#)):

Yeah. And it's a bit of a tangent, but you know, something that we see a lot of times with clients is that as you know, research development continues and moves forward in a company, oftentimes they're still using the confidentiality agreements and the policies from several years prior that don't identify the trade secrets and don't update them. That's a simple way to make sure that you're hitting these buckets and that when the time comes, if the time comes, you're protecting yourself as best as possible.

Jordan Grotzinger ([06:40](#)):

Yeah. I would say you're absolutely right on often. And I would say in my experience, I would say most I it's, I'm struggling to think of a case where a confidentiality agreement, um, was actually current and identified specifically what was being fought over. So that's a very good point.

Ashley Farrell Pickett ([07:01](#)):

Yeah. Well, as a plug for our employment group, we're very good at updating those and making sure that clients do the same

Jordan Grotzinger ([07:06](#)):

Closer. So developments, since the last episode, we're going to discuss the concept of headstart damages, uh, as, as part of an unjust enrichment award, as we'll discuss. And we addressed in the first episode, damages for trade secrets can include actual loss and also non duplicative unjust enrichment. That is the extent to which the misappropriator was unjustly enriched, minus whatever actual loss, uh, was incurred by the plaintiff, which is separately recoverable. So there's a concept of headstart damages where the defendant can, um, leverage the misappropriation to get a headstart in the marketplace. And that can support the plaintiff's unjust enrichment award. We're going to address a critical element of misappropriation and the disclosure of a trade secret in a patent or patent application.

Ashley Farrell Pickett ([08:02](#)):

Yeah. So should we jump right into the first case?

Jordan Grotzinger ([08:05](#)):

Let's do it. And let me just say one thing, because people might be wondering, um, we don't name our cases and we don't with, with very few exceptions. We don't name the businesses in our cases, we'll tell you the court and we'll tell you the month. And it's pretty easy to find out. And of course, you know how to reach us. Um, but, uh, there are just sensitivities, uh, about disclosing companies that we might have relationships with or our clients might be adverse to. And it just adds an unnecessary layer, uh, that we, that we don't really need to address to get our points across. So if you're wondering why we don't name the parties, that's why, but, um, you know how to reach us, if you want more information on the cases that set. Our first case was in the district of Rhode Island in September, 2019. I think both of our cases were from this. And this was, this was an interesting one because this was the case involving the three-week jury trial earlier this year covered a lot of important issues that we're going to discuss today. The jury found that a trade secret was established and found misappropriation, but vacated the judgment and ordered a new trial. So pretty extraordinary.

Ashley Farrell Pickett ([09:16](#)):

Yeah. So the plaintiff, in this case, the company produces automated instruments that are used in blood tests and an individual employee of that company, the defendant, or one of the defendants in this case, I should say left its employer plaintiff for a competitor, another defendant in this case. So within a year of going to the competitor, the competitor defendant had or did a comparable device to that, which the individual defendant had worked on at the plaintiff's while in the plaintiff's employment. And as the court very accurately described thundersome litigation ensued, um, that's spanned, I think it was close to half a decade and lots of contentious litigation back and forth that ultimately culminated in a three week trial as Jordan had referred to. So it includes willful misappropriation under the Rhode Island Uniform trade secret act, as well as breach of the individual employee. Defendant's confidential relationship with his prior employer, who is the plaintiff again, in this case. Okay.

Jordan Grotzinger ([10:23](#)):

And this litigation, it was lengthy. It wound through the summary judgment process. There were some pretty serious experts involved from some major companies, uh, involving somewhat well related enough technology. So the jury found that both defendants misappropriated to trade secrets, trade secret, number one, and I'm going to quote, and, um, we're really simplified simplifying our discussion of this technology because it's dense. And as I've said before, I'm always worried about listeners falling asleep at the wheel. Uh, if we get too dense, so trade secret, number one was using a clear plastic capillary photometer sensor or CPS in an automated ESR analyzer. Uh, I'm not going to get into what that is cause it doesn't really matter. The important part of this definition is the word clear. So I'll repeat that it's using a clear plastic capillary photometer sensor or CPS in an automated ESR analyzer. And this is technology for blood tests that was trade secret. Number one, trade secret. Number two was an algorithm concerning the conversion of photometric measurements. And FYI photometry means the measurement of light,

Ashley Farrell Pickett ([11:47](#)):

And interestingly enough, this is not their notes that we're talking about. If anyone's listened to those podcasts and seeing that documentary. So the jury found willfulness and award at \$6.5 million in damages. Interestingly enough, the 6.5 million was specifically as to the second claim that Jordan mentioned the algorithm. And as the first claim, the clear CPS, um, plastic capillary that actually the jury only awarded a \$1 nominal damages award. Um, so it's something interesting to keep in mind as we go through the discussion specifically about, um, that first claim, the plastic capillary that there actually wasn't much associated dollar-wise as to that claim, which the court spends a lot of time on.

Jordan Grotzinger ([12:35](#)):

True um, so the defendants move for judgment as a matter of law and for a new trial, both motions, uh, uh, are subject to different legal standards. The, uh, judgment as a matter of law standard is the no reasonable jury standard. That means no reasonable jury could have found this way. So despite the verdict, the court should give judgment as a matter of law to the defendants. And the new trial standard is basically a new trial is required to prevent injustice. So the defendants made both motions.

Ashley Farrell Pickett ([13:08](#)):

So the court found that the plaintiff failed to introduce evidence that quote, using a clear plastic capillary photometer sensor or the CPS and an automated ESR analyzer actually satisfy the Rhode Island uniform trade secret acts requirements for protectability. And the description clear is very important here,

Jordan Grotzinger ([13:28](#)):

Right? That's how the plaintiff had defined this trade secret. And in its discussion, the court noted the importance of trade secret identification, and also talked about how the plaintiff's definition or identification of this trade secret had been narrowed throughout the litigation, even through summary judgment proceedings, to this a pretty specific definition that we've read a couple of times. So the court found, uh, even viewed in the light most favorable to the verdict, which is what the court needed to, which is the lens the court needed to use to rule on this particular motion that the plaintiff's evidence showed that it was developing, not a clear sensor, but a black or dark CPS to increase its analyzers reliability. And the court specifically said that the plaintiff's alleged trade secret was not the use of just any plastic CPS, but a clear one. The plaintiff had been very specific over the narrowing of this definition through discovery and summary judgment throughout the litigation and up to trial that this was a clear

CPS, not just any old CPS. And so as the court observed quote, these are the particular features, the plaintiff to distinguish it's trade secret from general industry knowledge close quote. That is that's how the plaintiff, um, tried to establish the requisite secrecy. It said that it was, you know, the, the clear CPS is what is not generally known in the market. In other words, this is why it's secret. This is why it rises to the level of trade secret. And that was, um, that that's where this fell.

Ashley Farrell Pickett ([15:16](#)):

Yeah. And so, because the plaintiff wasn't actually utilizing a clear device, clear CPS device, it failed to introduce evidence as to the trade secret that it defined and that its entire case was based on interestingly enough. Um, and also the plaintiff who later tried to argue that the features of the CPS device constituted a combination trade secret in that it included some public domain elements that also failed before the court and the court noted that for it to be protectable under a unified process, you have to have proof that the asserted combination quote, affords competitive advantage, which goes to supporting the independent economic value element of a trade secret violation misappropriation claim. And here again, because there was no evidence that the plaintiff was in fact, developing a clear CPS device, which was an essential element of the unique combination claim that argument ultimately failed.

Jordan Grotzinger ([16:20](#)):

So let's unpack that concept a little bit. So the plaintiff argued that this trade secret, this clear CPS technology was actually a sort of a hybrid trade secret that included some public domain elements. And the court's point is that for a trade secret like that, to be protectable, something that includes both truly secret elements, but also some elements from the public domain, the unified product or the word the court used was processed, but the unified thing, right? The, the asset that includes the secret stuff and the public domain stuff has to afford a competitive advantage. That's basically right. Yeah. Yeah, exactly. So, and the court said that since they weren't the evidence didn't show, they were developing this clear CPS, it didn't meet that test.

Ashley Farrell Pickett ([17:15](#)):

Yeah. And I mean, just a little bit of a side note, but it's so interesting to me that this case got this far past summary judgment and then all the way to trial with the definition of the trade secret, including the word clear, which was not what the CPS device actually was. It's very interesting because on a number of different fronts that was just fatal to the plaintiff's claims.

Jordan Grotzinger ([17:39](#)):

Yeah. And you know, you're talking about a \$6.5 million award that was vacated, who knows what it costs to litigate that thing with the experts involved and the time it took and the cost trends we've just discussed, you can imagine that it was a lot of money. And to your point, a lot of the cases on trade secret identification that we've addressed so far, and that you always see involve the pleading stage or the injunction stage or discovery, and the issues addressed right up front. And if identification is not sufficient, the things thrown out or the plaintiff gets leave to amend and they try again. But like you said, it is really significant that this issue survived all the way to trial, um, as, as a weak position, ultimately, that failed. Uh, so yikes.

Ashley Farrell Pickett ([18:36](#)):

Yeah. And it's interesting because it just goes to show that often trials are actually one from the initial stages of litigation. I mean, how they define this in initial stages ended up resulting in the vacating of the award. Right. So sorry for that side note. Really good, interesting point. Yeah. So one thing also to note is the court held that look, even if plaintiff did develop a clear CPS device, which we know that they didn't hear plaintiff still had insufficient evidence, that the use of a clear CPS was not generally known or ascertainable by proper means, which defeats the secrecy element of the claim. Um, the court noted that there was a lack of evidence about plaintiff's investment in the trade secret, which would go to supporting the element of it not being generally known. And that there also was a lack of evidence about the state of knowledge of the process and the blood testing industry that they were relying on as well as any evidence that there were no other companies that were using a clear CPS device. Okay.

Jordan Grotzinger ([19:41](#)):

And just to address that from a higher level, what we're basically talking about is establishing secrecy to prove you have a trade secret. First thing you got to do is show that it's a secret or in more legalistic terms, not generally known, uh, to the, or, or ascertainable. Um, and so the court is basically giving us listeners and trade secret litigants and practitioners suggestions on ways that you can show secrecy. You can't just say it, you can't, you shouldn't just conclude that this is secret, but you should have supporting evidence such as, uh, you know, we, the plaintiff company invested millions of dollars to develop this. If there's admissible evidence in the record that you spent millions of dollars investing in the invention of something, well, that's pretty strong proof that it didn't exist before otherwise. Why would you have spent millions of dollars investing in it, or, uh, like you said, Ashley, the state of knowledge of this process generally, or the fact that no other companies had it, uh, point being that you should think of things like that to support your secrecy assertion, which is crucial to establish trade secret status. So, uh, based on those issues judgment, as a matter of law was granted on that trade secret, the clear CPS trade secret.

Ashley Farrell Pickett ([21:13](#)):

Yeah. And then as to the second trade secret to the algorithm, um, which actually is the one that the jury awarded the \$6.5 million in damages for the court found that plaintiff's evidence provided at trial supported that the conversion algorithm was a trade secret and that there was legally sufficient evidence of willful misappropriation of that trade secrets for purposes of a judgment as a matter of law. So it denied that motion, um, of the defendant on that basis. But the issue of a new trial was a very separate consideration.

Jordan Grotzinger ([21:49](#)):

Yeah. And I don't know about you, but when I got to the end of that opinion, and as we'll discuss, when the court granted the new trial on this issue, I thought to myself, wait a minute. And I went back and looked at the section where it said there was legally sufficient evidence of willful misappropriation. So I'm thinking, how, how was this reversed? But it came down to the different standards of the motions. Um, uh, as you said, uh, there was legally sufficient evidence of willful misappropriation for purposes of a judgment as a matter of law, but, uh, whether to grant a new trial or not is subject to a different standard. And we'll get to that momentarily as the damages on that trade secret, the court found that the evidence supported the plaintiff's unjust enrichment award on the theory that the misappropriation of the algorithm effectively gave the defendants and unfair head start in the market. So these were, uh, these damages were, were discussed as quote unquote head start damages. And based on the evidence, uh, the court found that, or, or I should say the jury found that, uh, the defendants had a one-year head

start. So the jury calculated the plaintiff's damages, uh, based on one year's profits made by the defendants.

Ashley Farrell Pickett ([23:14](#)):

Yeah. One thing just to give a little bit more detail of that theory that the court was relying on, essentially there was evidence granted it was circumstantial, the court even recognized, but there was evidence showing that the defendant company did not start developing its own algorithm until about a year after a certain trade show had occurred. And so that's where it came up with a year worth of unjust enrichment damages, because at the trade show, there was evidence that they were marketing, that they already had the ability to run certain tests via an algorithm. So the implication was that if they didn't even start developing their own algorithm until a year later, they necessarily must have been using someone else's algorithm at that time.

Jordan Grotzinger ([24:01](#)):

Hence the head start, the exactly your head start conclusion, right? So while the court didn't grant judgment, as a matter of law for the defendants on the misappropriation of the conversion algorithm, it did find, and here's where I had to go back and reread the part about how there was legally sufficient evidence of the misappropriation. It did find that the finding of misappropriation was against the clear weight of the evidence for purposes of a new trial. And so a new trial was granted and this finding was based primarily on the ground that the evidence didn't show the evidence presented at trial didn't show that the algorithm was capable of producing accurate results in a non plaintiff device. In other words, that this algorithm was basically useless unless you had the plaintiff's product, which of course the defendants didn't. And based on that primary ground, there was also a timing discrepancy in some of the evidence. And I don't think that detail is necessary, but the primary ground of this grant of a new trial was the finding that the algorithm was, uh, not capable of producing accurate results without a plaintiff made device. And so the court, uh, court basically said this was like toppling dominoes.

Ashley Farrell Pickett ([25:24](#)):

Yeah. So essentially because the algorithm is device specific, for lack of a better phrase, um, whether the defendants willfully could have even misappropriated the algorithm was really up for debate. And that was very interesting that the court kind of pinpointed that specific issue, um, and was willing to grant a new trial on that.

Jordan Grotzinger ([25:47](#)):

Yeah. And, and the court said it was an exceptional circumstance. And, um, and I agree with that assessment, uh, the court essentially found that the technology, even though willfully misappropriated was useless to the defendants and therefore it didn't really rise to the level of misappropriation, which got me thinking about, okay, what is misappropriation it's generally used disclosure or acquisition by improper means it's not just possession without doing anything with it. And, and that puzzled me a little bit because there obviously was a finding that there was an improper something yeah. Acquisition maybe not use because they couldn't use it with a plaintiff device. Um, maybe not disclosure, but, you know, I thought, Hmm. Why, why didn't that evidence rise to sufficiently rise to the level of acquisition by improper means? And so it was almost as if the court was comparing this to a situation because the technology couldn't be used without a plaintiff device that, uh, comparing it to a situation of where the defendant just had the trade secret, but wasn't allowed to do any, wasn't able to do anything with it. So that didn't rise to the level of misappropriation. Yeah. Yeah. I assume this, I wonder what will happen

with this case, if there will be an appeal or a retrial or, or maybe just a settlement, but we'll definitely keep an eye on this because as to that issue specifically, I I'd like to see that flushed out for those reasons.

Ashley Farrell Pickett ([27:32](#)):

Yeah, absolutely. So moving, I know that was a pretty dense case, but, um, moving on, moving on to the second case, which is much more straightforward and concerns disclosure of a trade secret in a patent, and yes it is. Um, and the ultimate consequences of that,

Jordan Grotzinger ([27:49](#)):

This was a case in the Northern district of California from this month, and it just we're discussing it for the single principle that disclosure of an alleged trade secret in a patent removes its trade secret status. So this was a pleading case where the court granted a motion to dismiss the misappropriation of trade secret claim, because it was unclear as to whether the alleged trade secret was already disclosed in a patent or patent application. This was a, this lawsuit involved claims for trade secret misappropriation and also patent infringement. So both were at issue. Um, and the defense argued that, well, wait a minute, the alleged trade secrets already in the patent, that means it's not a secret. So, um, and here just FYI, the alleged streak trade secret was quote the concept of retrofitting an existing commercial treadmill with an air based unweighting system.

Ashley Farrell Pickett ([28:48](#)):

So the court specifically held that quote. It is well established that disclosure of a trade secret in a patent places, the information comprising the secret into the public domain. And so once the information is in the public domain, the element of secrecy has gone. There's no trade secret.

Jordan Grotzinger ([29:05](#)):

It's a common sense principle because a key element of a trade secret is secrecy. So if you've disclosed it in a public document, like a patent application, it's no longer a secret.

Ashley Farrell Pickett ([29:16](#)):

So defendants argued that the trade secret concept was effectively disclosed in plants, patent application, and the court couldn't distinguish between the concept as pled in the pleading from what was in the patent application. So pleading of that trade secret demanded a greater degree of specificity that the plaintiff just did not meet

Jordan Grotzinger ([29:38](#)):

That's it. And that's it for that case. So we've got a few takeaways in this episode, the first one based on that Rhode Island case also pretty common sense, but really important is match your proof to your definition of the trade secret. Uh, because in the Rhode Island case, the proof at trial did not match the trade secret as defined that is that clear CPS technology. Instead, the proof just so showed some black or dark technology that distinction blew up that claim and, and a multimillion dollar verdict was overturned. Although, as you said, that this claim, uh, had damages of a dollar, but still the principle is equally important, master your proof to your definition.

Ashley Farrell Pickett ([30:29](#)):

Yeah. And you know, another good takeaway is if your trade secret includes public domain elements, you really need to strengthen your proof of independent economic value. And you need to show that the unified trade secret is what affords a competitive advantage.

Jordan Grotzinger ([30:44](#)):

Also, you need to support your assertion, that your trade secret is not generally known or properly ascertainable in order to establish the requisite secrecy. And there are various ways to do that, but the way the court in Rhode Island suggested was for example, prove that you invested a lot of money in the development of this technology or product, uh, present evidence that the trade secret at issue isn't known in the relevant business community, et cetera point is think about ways that show that, Oh yeah, this, this really isn't public. Otherwise I wouldn't have invested millions of dollars or, uh, you know, it's not visible anywhere else in the market. Uh, so don't just assert it, prove it. Yeah.

Ashley Farrell Pickett ([31:30](#)):

And as to damages something that's often overlooked and is important to note is that an unjust enrichment award can be based on a defendant's headstart in the market due to a misappropriation. So that's something that often is cast aside in favor of just actual damages, but it actually can give quite a bit of leverage in settlement and or actual dollar figures at the end of the day after trial.

Jordan Grotzinger ([31:56](#)):

The next takeaway, again, this comes down to what really constitutes misappropriation, but the court in Rhode Island found that if the trade secret isn't really usable or valuable in the market, uh, then the conduct may not rise to the level of misappropriation. So for example, uh, that conversion algorithm, um, the court said was not misappropriated or the defendant's conduct didn't rise to the level of misappropriation because the algorithm didn't produce reliable results with a non plaintiff device. And so a new trial was warranted. And so while you may be able to argue, and I think it's still a good argument, that misappropriation is the improper acquisition use or disclosure of a trade secret. This court seems to have added perhaps a bit of an extra requirement. And that is, uh, to, to prove misappropriation, to prove that the conduct Rose that level. It's not that just that it was acquired, but that it was actually usable or valuable to the defendant. So the takeaway is, and the law is always developing, which is why we have this podcast. But the takeaway is to, uh, make that argument of misappropriation a little more ironclad, add some evidence, and you should be able to do this. If you're litigating over it, particularly if you've gone all the way to trial your, your, it should be usable or valuable to you. So prove that.

Ashley Farrell Pickett ([33:37](#)):

Yeah. And then for the second case, you know, the somewhat common sense concept that disclosure of a trade secret and a patent removes its trade secret status. So you really have to make a careful decision on how you want to protect confidential information. Do you want to do so by a trade secret? Or do you want to do so by patent, um, factors that you want to consider when making that determination are, you know, the length of the patent, your willingness and ability to invest in secrecy protections, all of that good stuff. And that's probably a good subject for another episode. We can get into that quite quite in-depth.

Jordan Grotzinger ([34:17](#)):

Yeah, that's a big, important issue. Um, a lot of patent litigation involves trade, secret issues and vice versa. And when I talk to, um, business owners with trade secrets, uh, I'll frequently ask them, you know, how are you, how are you protecting these assets? Are you patenting them? Are you, are you, uh, designate, are you considering them trade secrets in there and thereby, uh, imposing the, the requisite, uh, protections to keep them secret? What are the reasons to make the decision one way or the other? And you touched on some of them, um, you know, a patent is a public document and it has a shelf life, and I'm not a patent lawyer. So I'm not going to sit here and talk about what it is or any details of patents, because I'm, I just don't know it, but I know it's public. I know it has a limit, whereas the trade secret, uh, can be perpetual as long as you maintain that status. So factors like these drive the important decision of which way to go and you're right. And we will do a separate episode on that because that warrants at least a full episode of discussion.

Ashley Farrell Pickett ([35:30](#)):

Yeah. And we have some great patent litigators. I know you could get in here too.

Jordan Grotzinger ([35:34](#)):

We do. Yes. And I think that's it. This was great. Thank, thank you. You're going to come back. Sure if you'll have me bye everybody. Okay. That's a wrap. Thanks for joining us on this episode of the trade secret law evolution podcast as the law evolves. So will this podcast, so we value your feedback, let us know how we can be more helpful to you. Send us your questions and comments. You can reach me by email at [GrotzingerJ@gtlaw.com](mailto:GrotzingerJ@gtlaw.com) or on LinkedIn. And if you like, what you hear, please spread the word and feel free to review us. Also, please subscribe. We're on Apple podcasts, Stitcher, Spotify, and other platforms. Thanks everybody. Until next time,

Ashley Farrell Pickett ([36:18](#)):

Greenberg Traurig has more than 2000 attorneys and 39 offices in the United States, Latin America, Europe, Asia, and the middle East GT has been recognized for its philanthropic, giving diversity and innovation, and is constantly among the largest firms in the U S on the law three 6,400. And among the top 20 on the AmLaw global 100 content is for informational purposes only and does not contain legal or other advice and or opinions for more information, please visit [B I T . L Y / G T law disclosures](#).