



# Restrictive Covenant, Trade Secrets and Unfair Competition

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## PEOPLE

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## INDUSTRIES

Manufacturing  
Professional Services  
Technology

## Overview

### PROTECTING YOUR COMPANY'S INTANGIBLE ASSETS

We live in a transient age. The average person changes jobs 10 – 15 times during his or her career. This presents a unique challenge to employers, particularly in competitive industries. Employers routinely entrust the company's key assets – customer relationships, confidential information/trade secrets and intellectual capital – to their employees, new and current alike. We help safeguard these intangible assets and stop misappropriation if it occurs to eliminate or minimize potential damage.

We represent a wide variety of clients in the following industries:

- Clinical research organizations
- Biopharmaceutical companies
- Health benefits consulting
- Nuclear engineering consulting
- Materials science companies
- Landscape design
- Retail
- Health and fitness
- Banks and credit card companies
- Financial advisors and brokers
- Dealers of securities

### WHEN AFFIRMATIVE STEPS NEED TO BE TAKEN

Brown McGarry Nimeroff understands the importance of your proprietary information and strives to protect it. We routinely handle cases involving:

- Breach of covenants not to compete
- Non-solicitation of clients and prospective clients

- Non-disclosure of confidential information
- Non-recruitment of workforce and violations of the uniform trade secrets act
- Breach of fiduciary duty
- Tortious interference with contract
- Computer fraud and abuse
- Unfair competition

## EXPERIENCE

- Successfully defended a restrictive covenant claim in nuclear power consulting field.
- Defeated a motion for preliminary injunction sought by W.L.Gore & Associates in U.S. District Court in Maryland against a former employee alleged to have misappropriated trade secrets.
- Successfully represented national IT staffing company in action against former president who sold his company to the client and then formed and “incubated” directly competitive businesses by stealing key management personnel and utilizing company resources.
- Won a preliminary injunction for a franchisor prohibiting franchisee from opening competing business in or around surrounding territory.
- Achieved significant settlement for Maine jewelry artist against national jewelry company for copyright infringement.