

## What Claims are Related to Trade Secret Claims?



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What are other related claims and issues often litigated in a trade secret case? The ones that we most commonly see arise are non-compete agreements, non-solicitation agreements, non-disclosure agreements, confidentiality agreements, and other similar types of contractual agreements. We often also see trade secret issues litigated alongside allegations of tortious interference, defamation, and other business tort claims. Some cases involve just one of these types of claims, but oftentimes a lawsuit simultaneously litigates a host of related claims and issues.

When we are advising clients about how to protect a business when hiring and contracting, oftentimes we will consider working with the client to put a variety of these agreements in place. Each type of agreement has a particular purpose, and it comes with pros and cons. We assist clients in getting the right agreements in place for their particular business needs. We advise clients about how to use these agreements as a comprehensive strategy when doing so fits the facts at hand and would best protect a client's interests. There could be some redundancy or overlap in different agreements, and some of that may be by design.

While a business may sometimes consider using boilerplate language or stock agreements found online, such an approach can significantly jeopardize whether the agreements will later be upheld if they are challenged in court.

When enforcing or challenging these various types of agreements in court, we will often discuss with a client all possible claims and issues that could be litigated at the same time. We do this in part because in some instances the law requires one consolidated case rather than piecemeal litigation, but also because doing so can result in greater efficiency and reduce litigation costs.