

Our Latest Industry Insights

IP File

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Connecting the Dots with DTSA

By: Guy Rodgers

The Defend Trade Secrets Act of 2016 (“DTSA”) was signed into law by President Obama on Wednesday, May 11, 2016.[1] This new act is the final piece of the federal law puzzle regarding intellectual property protections. Until now, IP owners enjoyed federal law protections over their patents, trademarks, and copyrights, but were left to their state courts to protect their trade secrets under various state laws. The DTSA is being hailed as an important and valuable tool for business owners, by providing greater predictability to trade secrets law.[2]

TAGS: Cause of Action, Civil, Defend Trade Secrets Act, DTSA, E-Commerce, EEA, Electronic Espionage Act, federal court, Intellectual Property, Intellectual Property, Internet Commerce, Interstate Commerce, Misappropriation, Obama, President, Trade Secret & Unfair Competition, Trade Secrets, Uniform Trade Secrets Act, UTSA

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Low Octane Levels? Octane Fitness’ Impact in the Trademark and Trade Secret Realms

We have previously addressed the Supreme Court’s decision in *Octane Fitness, LLC v. Icon Health & Fitness, Inc.*, 12-1184, Slip Op. at 7 (2014), which relaxed the standard for awarding attorney’s fees under Section 285 of the Patent Act (“§285”) and ruled that decisions on §285 are entitled to deference on appeal. In the patent litigation realm, the Octane Fitness decision does not seem to have led to an overwhelming trend toward awarding fees. It does, however, beg the question: how has this impacted the standard for awarding attorney’s fees in other types of intellectual property cases, such as trademarks and trade secrets?

TAGS: apple inc. v. samsung elecs. co., bmw of north america v. cudahar, fair wind sailing v. dempster, intellectual property, lanham act, monster daddy v. monster cable products, ninth circuit, octane fitness, octane fitness llc v. icon health & fitness inc., patent act, patent infringement, patent litigation, patent litigation, premium balloon accessories v. creative ballon mfg., sixth circuit, supreme court, third circuit court of appeals, tivo research, tns, tns media research v. tivo research, trade secret & unfair competition, trade secret statutes, trade secrets, trademark & trade dress, trademark attorney fees, trademarks, uniform trade secrets act, utsa
