

It's Quitting Time: Do You Know Where Your IP Is?

Kelley Drye Seminar

Firm Event

April 8, 2014 from 12:00 pm to 2:00 pm (EDT)

Chicago

Chicago, IL

Intellectual property – sales data, customized software, marketing plans, customer information – plays a key role in driving business success. Not only is the volume of this data increasing, but of more concern is its portability, and thus the potential for loss. The cost of propriety information loss is estimated at \$55 billion annually. Companies need to be strategic and think about how effectively to use their policies and restrictive covenants — both when they hire someone and at the critical moment when employees walk out the door.

Topics discussed included:

- Your confidentiality policies and agreements:
 - Are they current?
 - How are you enforcing them?
 - Other measures to protect your IP
- Considerations when hiring from a competitor
- Non-compete agreements:
 - When should you use them?
 - How enforceable are they?
 - Key drafting provisions (clawbacks, garden leave)
- Litigating non-compete disputes:
 - Setting expectations / analyzing risk and cost
 - Pitfalls when hiring from a competitor
 - Recognizing the pressure points
 - Presenting your best case
- Current issues in Illinois

- Recent case law related to consideration in exchange for non-compete and non-solicitation agreements
- Protectable business interests and exemptions
- Reformation versus Blue Pencil

Featured Speakers:

Barbara E. Hoey is a partner in the firm's New York office and chair of the Labor and Employment practice group. Ms. Hoey has more than two decades of experience counseling her clients in all areas of employment law and employment litigation.

Mark A. Konkel is a partner in Kelley Drye's Labor and Employment group. Mr. Konkel has extensive experience in litigation and arbitration over restrictive covenant and trade secrets disputes and in advising clients on the protection of their intellectual property.

Matthew C. Luzadder is an associate in Kelley Drye's Chicago office. Mr. Luzadder advises employers on a wide range of employment law matters, including employment restrictions, wage and hour law, employee handbooks, employment and separation agreements, discrimination, and wrongful termination.

Paul J. Krause is Senior Counsel with ArcelorMittal USA and is based in Chicago. Mr. Krause focuses on employment counseling and litigation. ArcelorMittal USA is the largest steel producer in the United States and is a major supplier to the North American transportation sector, including the automotive industry. ArcelorMittal USA also provides steel for the appliance, office furniture, industrial machinery, and other manufacturing sectors. The company operates mines, steel plants, and steel finishing plants throughout the US and employs over 18,000 employees in the U.S.

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