



# Trade Secrets

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## Overview

If you have operated a business for any length of time, you know that your company has developed expertise and know-how that gives it a competitive advantage. Often this is subject to written or even memorized unique information about equipment, processes, customers, and other information and knowledge the protection of which is key to prevent competitors from stealing or copying your technology.

We can help you draft key employee or contractor agreements that ensure know-how and confidential information become your company's property. These agreements maintain the secrecy of your information and prevent it from being taken to a competitor or simply becoming general knowledge for the industry to use in competition with your company. We have advised many companies on practical steps they can take to guard their confidential information.

We have won key cases in enforcement of trade secrets against ex-employees and others who have attempted to build businesses around stolen confidential information. Moreover, we can advise on when it is prudent to seek *Anton Piller* orders to protect evidence and how using injunctions early in the suit can end the harmful activity that threatens to cause irreparable damage to your business. We work in collaboration with your team to get an effective result.

Contact any one of our confidential information group including Richard Stobbe, Lawyer, at [rstobbe@fieldlaw.com](mailto:rstobbe@fieldlaw.com) or 403-260-8508, or Laura MacFarlane (for dispute or litigation matters) at [Imacfarlane@fieldlaw.com](mailto:Imacfarlane@fieldlaw.com) or 403-260-8577 to discuss your confidential information protection needs.

## Experience

Pat's Off-Road Transport v. Campbell et al, 2010 ABQB 443

Stonetile (Canada) Ltd. v. Castcon Ltd., 2010 ABQB 392

## People

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## Industries

- Education
- Energy + Environment
- Manufacturing
- Media + Entertainment
- Technology

## Services

- Intellectual Property + Technology
- Emerging Technology
- Cyber Liability
- Commercializing IP
- Copyright
- Designs
- IP Litigation
- Patents
- Trademarks

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## News + Views + Events

June 2017

[Non-Competition Clauses: Enforceable or Just for Show?](#)

March 2016

[Competing After Employment \(Part Two\)](#)

April 2015

[Competing After Employment \(Part One\)](#)

## Client Stories

### Oil and gas trade secret misappropriation case

**Our client:** An oil and gas service industry based in Western Canada.

**Where we began:** An ex-employee took confidential information about how our client's equipment was built, found a financial backer and began to compete using a fleet of "copycatted" equipment.

**Our approach:** Neil emphasized to his client that the odds might not be in its favour, given the client hadn't really done much to try and safeguard the internal workings of its equipment. But, knowing the law favours instances where that factor is less important, when Neil's client directed him to "*find a way to win*," then an understanding formed that the case would be pushed hard to trial if needed.

**The result:** Victory for the client. Enough evidence was proven to satisfy the judge that the ex-employee had been caught stealing trade secrets and had to pay and to stop using the equipment. The client's efforts to park its equipment in locked areas for the most part, along with other factors, assisted reaching the conclusion the information was sufficiently maintained. The effort also curtailed an attempt to sell the copied equipment and hood-wink another investor into making more.