

Syllabus: Trade Secret Law

Fall 2021

General Information

Professor	James Beebe
Course	Section 19100 – 5232 Trade Secrets
Meeting Schedule	Wednesdays, 5:30 – 7:30
Location	Zoom
Final Exam	TBA

Course Outline

This course studies the legal and policy issues surrounding trade secrets – secret information that gives a company a competitive advantage. It examines ways in which an organization can identify and protect trade secret rights, as well as methods for enforcing those rights focused predominantly on the trade secret misappropriation through an in-depth discussion of various provisions of the Defend Trade Secrets Act, the Uniform Trade Secret Act, the Economic Espionage Act, and relevant case law. The course also examines issues related to employment (training, policy, hiring, firing), non-disclosure agreements, and the relationship between trade secret law and unfair competition, and implied obligations concerning the use of confidential information.

Course Materials

I will provide a list of cases we will discuss and post copies on the Class Blackboard site. We may view and discuss scenes from the films to supplement the case discussion. We will also work a song or two in for good measure. I will also arrange for several guest speakers.

Office Hours

I will be available before class and at other times by appointment. Please contact me via email to arrange a time.

Course Expectations

A. Attendance

The Law Center has a minimum 80% attendance policy for students. It is your responsibility to ensure you attend the required number of classes. Any student who attends fewer than the minimum percentage of my classes will be referred to the Associate Dean for Student Affairs. This class meets 1 day per week. To meet the 80% attendance policy, you may have no more than 3 absences. I realize that many who take this class, including myself, are working professionals. Thus, I will not consider those who come in late absent. However, much of the learning that occurs is due to the active exchange of ideas and information that will occur in the classroom. So, please make every effort to be on time.

This class will be presented remotely via the Zoom internet video conferencing software

this semester. Since this is remote, there are several requirements: (i) your computer must have a working video camera and quality audio capability, joining by audio-only will be treated as an absence (you may need an external mic or headset for sufficient audio quality); (ii) you must identify yourself with your class roll name in the Zoom videoconferencing software; (iii) you must present your face and upper body area professionally in the video stream; (iv) you must be able to fulfill your responsibilities if called on to discuss a case or course materials; and (v) you must manage the mute "button" when remote to keep a professional demeanor.

B. Preparation Policy

Please be punctual. They say that 90% of the job is just showing up. But, as with most, and especially in the practice of law, you never want to keep your client, boss, colleague, or judge waiting. While I will not penalize you for being tardy, please be professional and respect your classmates and my time by minimizing classroom disruptions by being on time.

Please be prepared. I expect that you will to participate when called upon. I believe that a lively and engaged discussion of the topic will lead to a better learning experience. You will not be graded or judged based on what you say, but failure to participate in classroom discussions when you are called upon may count against you in the final grading.

Please be respectful. During these discussions, I expect you to be respectful, civil to each other, incorporate constructive comments, and not dominate the discussion. This does not mean you cannot express your disagreement in a significant way, but you should do so using the sort of language you would use in court and in a way that displays respect for others. You should argue in class applying what I call the red face test. That is your argument would cause the judge's face to turn red, then you are not stating your case as persuasively as possible.

Please be engaged. There is no such thing as a stupid question in law school. So, I encourage and expect questions and participation from any student at any time. We all have our own experiences and perspectives and if we listen carefully, we can all learn from each other.

C. Use of Electronics

Recent studies on learning have demonstrated that we learn better when we are not distracted by electronics. More importantly, studies have shown that students who write their notes out on paper rather than type them on a computer learn more – showing stronger conceptual understanding and were more successful in applying and integrating the material than those who used took notes with their laptops. So, I recommend you take hand-written notes and then convert and regularly update an electronic outline.

If you choose to use your laptop, please limit the use to note taking or review of other

course related materials. All other electronic devices should be turned-off or silenced during the class. Use of electronic devices in a manner that distracts from the classroom experience, including sending or receiving text messages or e-mail, playing games, or viewing obscene or offensive material is not allowed.

D. Grading**Final Examination**

Date: TBA, 6 p.m. – 8 p.m.

Format: A mixture of essay, short answer, and multiple-choice questions.

Component of grade: 100%

The final exam is open materials. This means any non-electronic and non-interactive materials prepared by you or others, including traditional study guides available for purchase and outlines from other students. Further details concerning the examination and any other grade evaluation mechanisms will be provided as the semester progresses.

E. Other Items

Recording of Class

Students may not record all or part of class, livestream all or part of class, or make/distribute screen captures, without advanced written consent of the instructor. If you have or think you may have a disability such that you need to record class-related activities, please contact the [Center for Students with DisABILITIES](#). If you have an accommodation to record class-related activities, those recordings may not be shared with any other student, whether in this course or not, or with any other person or on any other platform. Classes may be recorded by the instructor. Students may use instructor's recordings for their own studying and notetaking. Instructor's recordings are not authorized to be shared with anyone without the prior written approval of the instructor. Failure to comply with requirements regarding recordings will result in a disciplinary referral to the Dean of Students Office and may result in disciplinary action.

Syllabus Changes

Due to the changing nature of the COVID-19 pandemic, please note that the instructor may need to make modifications to the course syllabus and may do so at any time. Notice of such changes will be announced as quickly as possible through (specify how students will be notified of changes).

Americans With Disabilities Act

Whenever possible, and in accordance with 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, the University of Houston will attempt to provide reasonable academic accommodations to students who request and require them. Please contact student services for more information.

Counseling and Psychological Services (CAPS)

Counseling and Psychological Services (CAPS) can help students who are having difficulties managing stress, adjusting to the demands of a professional program, or feeling sad and hopeless. You can reach CAPS (www.uh.edu/caps) by calling [713-743-5454](tel:713-743-5454) during and after business hours for routine appointments or if you or someone you know is in crisis. No appointment is necessary for the "Let's Talk" program, a drop-in consultation service at convenient locations and hours around campus. http://www.uh.edu/caps/outreach/lets_talk.html

Discrimination and Sexual Misconduct

The University is committed to maintaining and strengthening an educational, working and living environment where students, faculty, staff, and visitors are free from discrimination and sexual misconduct. If you have experienced an incident of discrimination or sexual misconduct, there is a confidential reporting process available to you. For more information, please refer to the University system's Anti-Discrimination Policy SAM 01.D.07 and Sexual Misconduct Policy SAM 01.D.08, available here:

<http://www.uhsystem.edu/compliance-ethics/uhs-policies/sams/01-general-information/index.php>

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d7.pdf (antidiscrimination)

http://www.uhsystem.edu/compliance-ethics/_docs/sam/01/1d8.pdf (sexual misconduct)

Please be aware that under the sexual misconduct policy, SAM 01.D.08, faculty are required to report to the University any information received regarding sexual misconduct as defined in the policy. Please note that the reporting obligations under the sexual misconduct policy reach to employees and students. Also, as a required reporting party, Law Center employees and faculty members are not a confidential resource.

F. Reading Assignments (Subject to revision)

Date	Assignment
August 25	Topic 1: Introduction
September 1	Topic 2: What can be a trade secret?
September 8	Topic 3: Public Availability and Secrecy
September 15	Topic 4: The Economic Value Requirement
September 22	Topic 5: Reasonable Efforts to Maintain Secrecy Guest Lecturer – TBA
September 29	Topic 6: Misappropriation: Improper Means
October 6	Topic 7: Misappropriation: Duty of Confidentiality
October 13	Topic 8: Management of Trade Secrets Guest Lecturer: TBA
October 20	Topic 9: Protecting Trade Secrets in the Employment Context Guest Lecturer: TBA
October 27	Topic 10: Litigation Tactics and Defenses Tentative Guest Lecturer: TBA
November 3	Topic 11: Remedies for Trade Secret Misappropriation
November 10	Topic 12: Damages Guest Lecturer – Team from WhitneyPenn
November 17	Topic 13: Criminal Consequences for Trade Secret Misappropriation Guest Lecturer: TBA
December 1	Review
December 4-6	Reading Days
TBA	Final Exam