

PRACTICAL CONSIDERATIONS FOR PROTECTING TRADE SECRETS IN TEXAS

Jason S. Boulette
Michael D. Marin

Boulette Golden & Marin L.L.P

2023 UT CLE Corporate Counsel Institute - Houston, Texas

<https://thebossmagazine.com/wp-content/uploads/2021/03/Picture2intellectual.png>

1

1



<https://burfordperry.com/types-of-trade-secret-disputes/>

ASSIGNMENTS

1. What are your company's most important trade secrets?
2. How many of your employees use Chat GPT or similar tech?
3. How badly would the FTC rule hurt?
4. If you had to get TRO tomorrow, could you?

2

2

ASSIGNMENT #1: YOUR TRADE SECRETS

<https://thebossmagazine.com/wp-content/uploads/2021/03/Picture2intellectual.png>

3

3

TRADE SECRETS

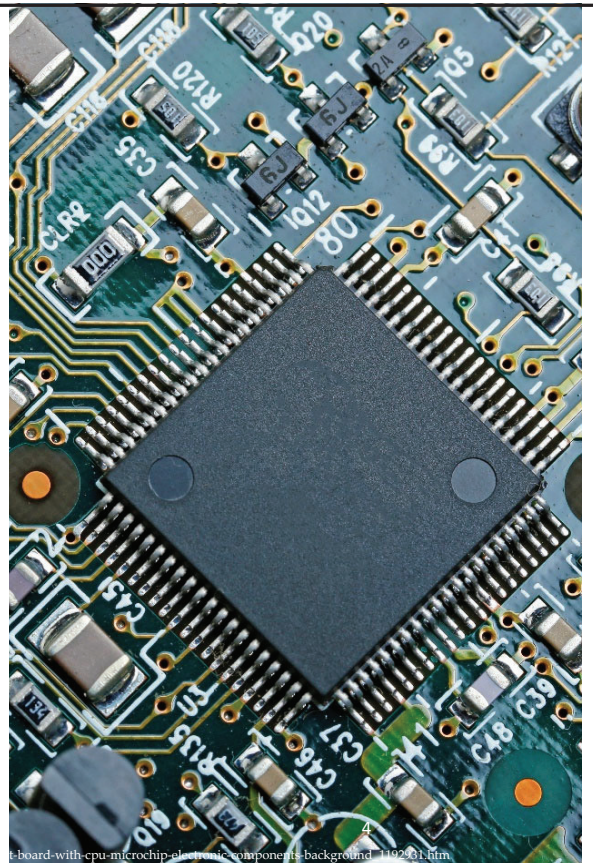
What are they?

Where are they?

Who can access them?

How are they protected?

Do you train?



board-with-cpu-microchip-electronic-components-background-1192331.htm

4



<https://www.techrepublic.com/wp-content/uploads/2022/06/multi-data-center-cluste>

“TRADE SECRET”

TUTSA: Information, including a formula, pattern, compilation, program, device, method, technique, process, financial data, or list of actual or potential customers or suppliers. ...

DTSA: All forms and types of financial, business, scientific, technical, economic, or engineering information, including patterns, plans, compilations, program devices, formulas, designs, prototypes, methods, techniques, processes, procedures, programs, or codes, whether tangible or intangible, and whether or how stored, compiled, or memorialized physically, electronically, graphically, photographically, or in writing ...

5

5



<https://www.travelers.com/resources/business-industries/oil-gas/safety-tips-to-help>

“TRADE SECRET”?

Under TUTSA and DTSA, a “trade secret” must:

- derive independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and
- be the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

6

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Non-Competes, Trade Secrets and Injunctions: How Do You Show Irreparable Harm?

Also available as part of the eCourse
[2023 Corporate Counsel eConference](#)

First appeared as part of the conference materials for the
45th Annual Corporate Counsel Institute session

"Non-Competes, Trade Secrets and Injunctions: How Do You Show Irreparable Harm?"