

Restrictive Covenant/Trade Secret/Unfair Competition

The combined resources of the firm's employment law and business and commercial litigation practices allow Greenbaum to provide comprehensive strategic representation in matters related to restrictive covenants, trade secrets, and unfair competition. Our firm has the resources to respond quickly when a client's proprietary information is put at risk and obtain emergent restraining orders that protect the client's most valuable assets before trade secrets, customers or data are irretrievably lost, causing irreparable harm. The firm is also retained when claims of this nature are brought against our clients, to prevent the court from entering a restraining order or preliminary injunction that is too broad or too restrictive or cannot be justified under the specific circumstances of the case.

Our corporate and employment lawyers assist clients with the drafting, negotiation, and enforcement of a full range of restrictive covenants – including non-compete, non-solicitation, and non-disclosure agreements – that protect legitimate business interests while adhering to the strict standards of New Jersey law. These preventative agreements must be crafted and specifically tailored to be both inclusive and legally enforceable. They must also be reasonable in terms of safeguarding trade secrets, customer relationships, and competitive attributes without imposing undue hardship on employees and executives.

The New Jersey Trade Secrets Act (NJTSA) and the federal Defend Trade Secrets Act (DTSA) provide legal protections for a company's intellectual property, including proprietary formulas or software, marketing techniques and customer data. Our attorneys guide clients to an understanding of what constitutes a trade secret and assist in the implementation of measures to maintain that secrecy. In cases of misappropriation, we are prepared to aggressively defend and/or prosecute claims under the NJTSA and DTSA, which provide for remedies including injunctive relief, monetary damages, and in cases of "willful and malicious" misappropriation, potential punitive damages and recovery of legal fees.

Unfair competition and usurpation of business opportunities refer to instances when a business or individual engages in practices to wrongfully gain a commercial advantage, often including the unauthorized use of confidential information, and misappropriating a prospective economic advantage to the detriment of the company. The firm represents clients to forcefully address unfair competition and usurpation of business opportunity claims, including those associated with the misuse of proprietary information by a former employee,

as well as the pursuit of claims against a competitor for tortious interference with business operations and relationships.

Practice Leaders



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Experience

Representative Matters

- Obtained a complete defense verdict following a full trial in Essex County Superior Court, defeating claims for tortious interference and breach of loyalty against a business accused of hiring a salesperson who allegedly misappropriated confidential pricing information.
- Represented an accounting firm in litigation against a former employee alleging breach of the duty of loyalty, unfair competition, theft of confidential information, and violations of the New Jersey Computer-Related Offenses Act.

Published Cases

- In *The Geon Company v. Cary Compounds* (2001), successfully defended a multinational corporation against trade secret and formula misappropriation claims in a six-week jury trial, obtaining a complete no-cause verdict.
- In *G & W Laboratories v. Able Laboratories* (2005), defended a pharmaceutical manufacturer against allegations of trade secret theft and misappropriation, leading to dismissal of all claims after five weeks of trial.

Insights & More

Announcements

Greenbaum Partner John W. Kaveney Featured in New Jersey Law Journal Litigator Q&A on Trending Issues for the Healthcare Industry

2.23.22

Client Alerts

Protecting Your Business: Unfair Competition Under New Jersey Law

6.10.26

Seminars & Events

Business Litigation Roundtable: Current Issues in Business Litigation

11.08.21

Hot Topics in Chancery Practice

3.24.21

Employment Law in the Federal Court - A Winter 2020 Update

11.22.20