

Johnston in MLex: DTSA Fills IP Gap in Digital Era

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PRACTICES Intellectual Property Litigation, Litigation

Haynes Boone Partner [Lee Johnston](#) spoke with *MLex* as the Defend Trade Secrets Act has become the dominant vehicle for trade secret enforcement in the United States after 10 years. Practitioners say the statute has brought consistency to a once-fragmented area of law while expanding the role of trade secrets in protecting digital assets.

Read an excerpt below.

DTSA case filings rose from 475 in 2016 to more than 1,000 in both 2023 and 2024, peaking at 1,281 in 2025, according to Lex Machina data.

Johnston said the shift to federal courts has led to more thorough scrutiny of claims early in the process.

There is “a more rigorous analysis of the sufficiency of trade secret allegations, and that is happening earlier in cases than it would have in state court,” Johnston said, pointing to the rise of early motions to dismiss.

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For many attorneys, the appeal of trade secret cases goes beyond legal doctrine.

“A lot juicier story is coming out of the trade secret cases, where you do forensic analysis of other sites, laptops and phones and all that kind of cool stuff, where you really are feeling like more of a detective,” Johnston said. “You’ve got more characters ... more human-based stories.”

To read the full article from *MLex*, click [here](#).