Lee Johnston in Law360: The Most Significant Trade Secrets Cases of 2024

By Lee F. Johnston | December 23, 2024

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Insulet Corp. closed out 2024 with a $452 million trade secrets winning verdict, proving the pattern of extreme damages awards is continuing in trade secrets litigation. Haynes Boone Partner Lee Johnston spoke with *Law360* about the potential for an appeal on the verdict and the issues that could arise. Read an excerpt below.

One of the biggest questions on appeal could center on whether Insulet's suit was timely, and that will depend on what standard governs the three-year statute of limitations in the Defend Trade Secrets Act, said Lee Johnston, a partner at Haynes Boone. …

"This issue pervaded the case from the very start, beginning with EOFlow's opposition to Insulet's motion for preliminary injunction, where EOFlow argued that Insulet's trade secret claims accrued in 2019 when Insulet executives had 'inquiry notice' of the alleged misappropriation," Johnston said. …

Johnston said if the case goes to the Federal Circuit on appeal, and it finds that the "inquiry notice" applies, Insulet may face problems because "a forensic review of the plaintiff's digital devices in this case" showed that company executives "harbored concerns" that EOFlow's product copied theirs as early as 2019.

Read the full article here.

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