

# Finding List by Question by State\*

## 1. How have “trade secrets” been defined?

AL.....	845	193	KY.....	1733	—	ND.....	2437	—
AK.....	871	—	LA.....	1759	—	OH.....	2453	1063
AZ.....	883	—	ME.....	1803	—	OK.....	2521	—
AR.....	907	255	MD.....	1835	659	OR.....	2545	—
CA.....	957	275	MA.....	1871	—	PA.....	2575	1127
CO.....	1109	—	MI.....	1927	—	RI.....	2657	1163
CT.....	1163	329	MN.....	1989	—	SC.....	2687	—
DE.....	1195	353	MS.....	2047	—	SD.....	2743	—
DC.....	1241	377	MO.....	2073	—	TN.....	2773	—
FL.....	1263	411	MT.....	2107	817	TX.....	2803	1247
GA.....	1337	439	NE.....	2123	—	UT.....	2867	1271
HI.....	1403	—	NV.....	2153	—	VT.....	2889	—
ID.....	1421	—	NH.....	2167	—	VA.....	2907	1319
IL.....	1441	527	NJ.....	2191	895	WA.....	2945	—
IN.....	1569	—	NM.....	2239	—	WV.....	2993	1371
IA.....	1641	—	NY.....	2263	943	WI.....	3011	—
KS.....	1691	581	NC.....	2373	1013	WY.....	3065	1421

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\**Editor’s Note:* This list is alphabetized by the full state name, not by the two-letter form. Thus, the first entry on the list is AL (Alabama)—rather than AK (Alaska). For a key to state abbreviations, see the list of state abbreviations on page xx. For a Finding List of Additional Topics, see page li.

An *R* in the left-hand column indicates a discussion in the Main Edition that has been fully replaced by a discussion in this Supplement.

**a. Is there a state civil statute defining trade secrets, and if so, is it based on the Uniform Trade Secrets Act?**

AL.....	845	—	KY.....	1733	—	ND.....	2437	—
AK.....	871	—	LA.....	1759	—	OH.....	2453	—
AZ.....	883	—	ME.....	1803	—	OK.....	2521	—
AR.....	907	—	MD.....	1835	—	OR.....	2545	—
CA.....	957	—	MA.....	1872	—	PA.....	2575	1127
CO.....	1109	—	MI.....	1927	—	RI.....	2657	—
CT.....	1163	329	MN.....	1989	—	SC.....	2687	—
DE.....	1195	353	MS.....	2047	—	SD.....	2743	—
DC.....	1241	377	MO.....	2073	—	TN.....	2773	—
FL.....	1263	411	MT.....	2107	—	TX.....	2803	—
GA.....	1337	—	NE.....	2123	—	UT.....	2867	—
HI.....	1403	—	NV.....	2153	—	VT.....	2889	—
ID.....	1421	—	NH.....	2167	—	VA.....	2907	—
IL.....	1441	—	NJ.....	2191	—	WA.....	2945	—
IN.....	1569	527	NM.....	2239	—	WV.....	2993	—
IA.....	1641	—	NY.....	2264	—	WI.....	3011	—
KS.....	1691	—	NC.....	2373	—	WY.....	3065	1421

Identification of Principal Differences

AL.....	847	—	KY.....	1736	—	ND.....	2440	—
AK.....	873	—	LA.....	1761	—	OH.....	2457	—
AZ.....	886	—	ME.....	1806	—	OK.....	2524	—
AR.....	910	—	MD.....	1838	—	OR.....	2548	—
CA.....	961	—	MA.....	—	—	PA.....	2660	—
CO.....	1112	—	MI.....	—	—	RI.....	—	—
CT.....	1166	—	MN.....	1992	—	SC*	2695	—
DE.....	1198	—	MS.....	2050	—	SD.....	2746	—
DC.....	1244	—	MO.....	2076	—	TN.....	—	—
FL.....	1266	—	MT.....	2110	—	TX.....	—	—
GA.....	1340	—	NE.....	2126	—	UT.....	2870	—
HI.....	1406	—	NV.....	2157	—	VT.....	2891	—
ID.....	1424	—	NH.....	2170	—	VA.....	2910	—
IL.....	1444	—	NJ.....	—	—	WA.....	2948	—
IN.....	1572	—	NM.....	2241	—	WV.....	2996	—
IA.....	1644	—	NY.....	—	—	WI.....	3014	—
KS.....	1694	—	NC.....	2376	—	WY.....	—	—

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\* Although South Carolina adopted the UTSA in 1992, it repealed and replaced that statute with a new trade secret statute in 1997. Page numbers for discussions comparing the 1997 statute with the UTSA are provided throughout the subdivisions of this *Identification of Principal Differences* section. Although the South Carolina chapter also contains in-depth discussions comparing the 1997 statute with the 1992 statute, page numbers for those discussions are not provided here.

Attorney's Fees

AK.....	873	—	IA .....	1644	—	OR .....	2548	—
AZ .....	886	—	MO.....	2076	—	SC .....	2695	—
ID.....	1424	—	NE.....	2126	—	VT .....	2891	—

Burden of Proof

HI.....	1406	—	NC.....	2376	—
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Continuing Misappropriation

CA.....	961	—
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Criminal Proceedings: Penalties and Protective Orders

SC .....	2695	—
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Damages

AL .....	847	—	GA.....	1340	—	OH .....	2457	—
AK.....	873	—	LA .....	1762	—	OR .....	2549	—
AR.....	910	—	MS.....	2050	—	SC .....	2695	—
CA.....	962	—	MO.....	2076	—	VT .....	2892	—
CO .....	1112	—	NE.....	2126	—	VA .....	2910	—
CT .....	1166	—	NV.....	2157	—			
DE.....	1198	—	NC.....	2376	—			

Definitions (Generally)

AL .....	848	—	CT.....	1166	—	MO.....	2077	—
AK.....	873	—	GA.....	1341	—	NE.....	2126	—
CA.....	962	—	IL.....	1444	—	NV.....	2158	—
CO .....	1113	—	IA .....	1644	—			

Definition of “Improper Means”

CA.....	962	—	OR .....	2549	—	WI .....	3014	—
CT.....	1166	—	SC .....	2696	—			

Definition of “Misappropriation”

AK.....	874	—	SC .....	2697	—	WI .....	3014	—
NC.....	2376	—						

Definition of “Owner”

SC .....	2697	—
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Definition of “Person”

WI .....	3014	—
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Definition of “Readily Ascertainable”

WI .....	3014	—
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Definition of “Trade Secret”

AL.....	848	—	KY.....	1736	—	ND .....	2440	—
AK.....	874	—	MN.....	1992	—	OH .....	2456	—
CA.....	962	—	MO.....	2077	—	OR .....	2549	—
CO .....	1113	—	MT.....	2110	—	SC .....	2697	—
CT.....	1166	—	NC.....	2377	—			
ID.....	1425	—						

Duty of Confidence (Codified)

SC .....	2698	—
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Effect on/Displacement of Other Laws—Exclusivity of Remedies

CA.....	962	—	IN.....	1572	—	OR .....	2549	—
DE.....	1199	—	ME.....	1806	—	SC .....	2699	—
IL.....	1445	—	NV.....	2158	—			

Effective Date; Retroactive Application

ME .....	1807	—	MS.....	2050	—	SC .....	2701	—
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Injunctions/Injunctive Relief

AL.....	849	—	DE.....	1200	—	OH.....	2457	—
AK.....	874	—	GA.....	1341	—	OR.....	2550	—
CA.....	963	—	IN.....	1572	—	SC.....	2701	—
CO.....	1113	—	ME.....	1806	—	WI.....	3015	—
CT.....	1167	—	NC.....	2377	—			

Maintaining/Preservation of Secrecy

CO.....	1114	—	CT.....	1167	—	SC.....	2701	—
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Official Proceedings Privilege to Disclose

CA.....	963	—
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Other Provisions

AR.....	910	—	ID.....	1425	—	ME.....	1806	—
CT.....	—	329	IL.....	1445	—	NE.....	2126	—
DE.....	1201	—	IA.....	1645	—	WI.....	3015	—
HI.....	1406	—						

Severability

DE.....	1201	—	ND.....	2440	—	SC.....	2704	—
LA.....	1762	—						

Short Title

SC.....	2704	—
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Statute of Limitations

AL.....	849	—	IA.....	1645	—	NE.....	2126	—
FL.....	1266	—	ME.....	1807	—	OH.....	2457	—
IL.....	1445	—	MO.....	2077	—	SC.....	2704	—

Uniformity of Application and Severability

AZ.....	886	—	SC.....	2704	—
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**b. Is there a state criminal statute defining trade secrets?**

AL.....	849	—	KY.....	1736	—	ND.....	2441	—
AK.....	874	—	LA.....	1762	—	OH.....	2457	—
AZ.....	886	—	ME.....	1807	—	OK.....	2524	—
AR.....	911	—	MD.....	1838	—	OR.....	2550	—
CA.....	R 275		MA.....	1873	—	PA.....	2579	—
CO.....	1114	—	MI.....	1931	—	RI.....	2660	—
CT.....	1167	—	MN.....	1992	—	SC.....	2714	—
DE.....	1201	—	MS.....	2050	—	SD.....	2746	—
DC.....	1245	—	MO.....	2077	—	TN.....	2776	—
FL.....	1267	—	MT.....	2110	—	TX.....	2804	—
GA.....	1342	—	NE.....	2126	—	UT.....	2870	—
HI.....	1406	—	NV.....	2158	—	VT.....	2892	—
ID.....	1425	—	NH.....	2171	—	VA.....	2910	—
IL.....	1446	—	NJ.....	2191	—	WA.....	2948	—
IN.....	1572	—	NM.....	2242	—	WV.....	2996	—
IA.....	1645	—	NY.....	2266	—	WI.....	3015	—
KS.....	1694	—	NC.....	2377	—	WY.....	3065	—

**c. Is there a state statute providing trade secret-type protection for computer software?**

AL.....	850	—	KY.....	1737	—	ND.....	2441	—
AK.....	875	—	LA.....	1762	—	OH.....	2459	—
AZ.....	887	—	ME.....	1808	—	OK.....	2525	—
AR.....	911	—	MD.....	1839	—	OR.....	2550	—
CA.....	969	—	MA.....	1874	—	PA.....	2581	—
CO.....	1114	—	MI.....	1932	—	RI.....	2660	—
CT.....	1167	—	MN.....	1993	—	SC.....	2716	—
DE.....	1201	—	MS.....	2051	—	SD.....	2746	—
DC.....	1245	—	MO.....	2077	—	TN.....	2777	—
FL.....	1268	—	MT.....	2110	—	TX.....	2809	—
GA.....	1344	—	NE.....	2126	—	UT.....	2871	—
HI.....	1406	—	NV.....	2159	—	VT.....	2892	—
ID.....	1425	—	NH.....	2171	—	VA.....	2911	—
IL.....	1446	—	NJ.....	2191	—	WA.....	2948	—
IN.....	1574	—	NM.....	2242	—	WV.....	2997	—
IA.....	1645	—	NY.....	2266	—	WI.....	3015	—
KS.....	1694	—	NC.....	2378	—	WY.....	3066	—

**d. Have the courts cited or relied upon the definition of trade secrets contained in the Freedom of Information Act, 5 U.S.C. §552(b)(4), or a parallel state statute?**

AL.....	851	—	KY.....	1739	—	ND.....	2441	—
AK.....	876	—	LA.....	1763	—	OH.....	2459	—
AZ.....	887	—	ME.....	1808	—	OK.....	2525	—
AR.....	911	—	MD.....	1839	—	OR.....	2550	—
CA.....	969	—	MA.....	1874	—	PA.....	2583	1128
CO.....	1115	—	MI.....	1932	—	RI.....	2661	—
CT.....	1168	—	MN.....	1994	—	SC.....	2717	—
DE.....	1201	—	MS.....	2051	—	SD.....	2748	—
DC.....	1245	378	MO.....	2078	—	TN.....	2777	—
FL.....	1273	411	MT.....	2110	817	TX.....	2809	—
GA.....	1344	439	NE.....	2130	—	UT.....	2871	—
HI.....	1407	—	NV.....	2159	—	VT.....	2892	—
ID.....	1426	—	NH.....	2171	—	VA.....	2911	1319
IL.....	1446	—	NJ.....	2192	895	WA.....	2949	—
IN.....	1574	—	NM.....	2249	—	WV.....	2998	—
IA.....	1646	—	NY.....	2267	—	WI.....	3015	—
KS.....	1694	581	NC.....	2378	—	WY.....	3067	—

**e. Have the courts in this state issued protective orders relative to the disclosure of trade secrets either during pre-trial discovery or post-trial? If so, have the orders been issued under the state trade secrets act or under a general rule of civil procedure?**

AL.....	851	193	KY.....	1739	—	ND.....	2442	—
AK.....	876	—	LA.....	1763	—	OH.....	2461	1063
AZ.....	887	—	ME.....	1812	—	OK.....	2526	—
AR.....	913	255	MD.....	1839	659	OR.....	2551	—
CA.....	971	—	MA.....	1875	—	PA.....	2583	—
CO.....	1118	—	MI.....	1933	—	RI.....	2661	1163
CT.....	1168	—	MN.....	1995	—	SC.....	2717	—
DE.....	1201	353	MS.....	2052	—	SD.....	2749	—
DC.....	1250	384	MO.....	2078	—	TN.....	2778	—
FL.....	1274	411	MT.....	2111	—	TX.....	2811	1247
GA.....	1347	—	NE.....	2131	—	UT.....	2872	1271
HI.....	1408	—	NV.....	2160	—	VT.....	2898	—
ID.....	1426	—	NH.....	2172	—	VA.....	2912	—
IL.....	1449	—	NJ.....	2193	896	WA.....	2951	—
IN.....	1575	527	NM.....	2249	—	WV.....	2998	1371
IA.....	1648	—	NY.....	2269	—	WI.....	3016	—
KS.....	1695	—	NC.....	2383	1013	WY.....	3068	—

**2. How have the courts interpreted the definition of “trade secrets” under (a) the state statute, (b) the UTSA, or (c) the common law?**

AL.....	853	—	KY.....	1740	—	ND.....	2443	—
AK.....	876	—	LA.....	1765	—	OH.....	2462	—
AZ.....	888	—	ME.....	1815	—	OK.....	2526	—
AR.....	915	—	MD.....	1841	659	OR.....	2555	—
CA.....	977	—	MA.....	<i>R</i>	683	PA.....	2589	1131
CO.....	1121	—	MI.....	1934	—	RI.....	2661	1163
CT.....	1169	—	MN.....	1996	—	SC.....	2722	1185
DE.....	1208	—	MS.....	2054	—	SD.....	2749	—
DC.....	1252	386	MO.....	2079	791	TN.....	2778	—
FL.....	1281	412	MT.....	2113	—	TX.....	2812	—
GA.....	1347	—	NE.....	2133	—	UT.....	2873	—
HI.....	1409	—	NV.....	2160	—	VT.....	2898	—
ID.....	1426	—	NH.....	2174	—	VA.....	2913	1320
IL.....	1452	—	NJ.....	2196	897	WA.....	2953	—
IN.....	1577	—	NM.....	2250	—	WV.....	3000	1372
IA.....	1649	—	NY.....	2275	—	WI.....	3017	—
KS.....	1697	—	NC.....	2386	1014	WY.....	3068	—

**3. What policy considerations have courts recognized as reasons that trade secret protection is necessary?**

AL.....	856	—	KY.....	1740	601	ND.....	2443	—
AK.....	876	213	LA.....	1766	—	OH.....	2463	1063
AZ.....	890	231	ME.....	1816	—	OK.....	2528	—
AR.....	917	—	MD.....	1844	661	OR.....	2556	1107
CA.....	979	280	MA.....	1878	—	PA.....	2591	1133
CO.....	1124	309	MI.....	1936	715	RI.....	2663	—
CT.....	1170	329	MN.....	1998	—	SC.....	2723	1187
DE.....	1210	354	MS.....	2055	771	SD.....	2750	1211
DC.....	1253	387	MO.....	2080	791	TN.....	2780	—
FL.....	1282	412	MT.....	2113	—	TX.....	2815	—
GA.....	1349	439	NE.....	2134	835	UT.....	2873	1272
HI.....	1410	461	NV.....	2160	855	VT.....	2898	—
ID.....	1427	481	NH.....	2175	—	VA.....	2915	1320
IL.....	1457	503	NJ.....	2197	898	WA.....	2954	1349
IN.....	1579	528	NM.....	2250	923	WV.....	3001	1373
IA.....	1651	—	NY.....	2278	944	WI.....	3021	1399
KS.....	1698	581	NC.....	2387	1017	WY.....	3069	1424

Bailment

OR.....	2556	—
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Business Ethics

CA.....	979	—	MD.....	1844	—	OK.....	2528	—
CO.....	1124	—	MA.....	1878	—	OR.....	2556	—
DE.....	1210	—	MI.....	1940	—	SD.....	2750	—
IL.....	1457	—	MN.....	1998	—	TN.....	2780	—
IN.....	1579	—	NE.....	2134	—	TX.....	2815	—
IA.....	1651	—	NJ.....	2197	—	VA.....	2915	1320
KY.....	1740	—	NM.....	2250	—	WA.....	2954	—
ME.....	1816	—	OH.....	2463	—	WI.....	3021	—

Contract

AL.....	856	—	KY.....	1740	601	ND.....	2443	—
AK.....	876	213	LA.....	1766	—	OH.....	2464	1063
AZ.....	890	231	ME.....	1816	—	OK.....	2528	—
AR.....	917	—	MD.....	1844	—	OR.....	2556	1107
CA.....	979	280	MA.....	1879	—	PA.....	2591	1133
CO.....	1125	309	MI.....	1936	715	RI.....	2663	—
CT.....	1170	329	MN.....	1998	—	SC.....	2723	—
DE.....	1210	354	MS.....	2055	771	SD.....	2750	—
DC.....	1253	387	MO.....	2080	791	TN.....	2780	—
FL.....	1282	412	MT.....	2113	—	TX.....	2815	—
GA.....	1349	439	NE.....	2134	835	UT.....	2873	1272
HI.....	1410	461	NV.....	2160	855	VT.....	2898	—
ID.....	1427	481	NH.....	2175	—	VA.....	2915	1321
IL.....	1458	503	NJ.....	2198	898	WA.....	2955	1349
IN.....	1579	528	NM.....	2250	923	WV.....	3001	1373
IA.....	1651	—	NY.....	2278	944	WI.....	3021	—
KS.....	1698	581	NC.....	2387	1017	WY.....	3069	1424

Duty of Confidence/Loyalty; Fiduciary Duty

AL.....	856	—	KY.....	1740	601	ND.....	2444	—
AK.....	877	213	LA.....	1766	—	OH.....	2465	1064
AZ.....	891	231	ME.....	1816	—	OK.....	2529	—
AR.....	917	—	MD.....	1845	—	OR.....	2557	1108
CA.....	982	309	MA.....	1882	—	PA.....	2595	1134
CO.....	1129	—	MI.....	1939	716	RI.....	2664	—
CT.....	1170	330	MN.....	1999	—	SC.....	2724	—
DE.....	1210	354	MS.....	2056	771	SD.....	2750	1211
DC.....	1254	388	MO.....	2081	792	TN.....	2780	—
FL.....	1285	413	MT.....	2113	—	TX.....	2817	—
GA.....	1353	440	NE.....	2134	835	UT.....	2874	1273
HI.....	1410	462	NV.....	2161	855	VT.....	2898	—
ID.....	1427	481	NH.....	2175	—	VA.....	2916	1322
IL.....	1462	503	NJ.....	2200	—	WA.....	2955	1349
IN.....	1584	—	NM.....	2250	923	WV.....	3001	1374
IA.....	1653	—	NY.....	2280	945	WI.....	3022	1399
KS.....	1699	582	NC.....	2388	1018	WY.....	3069	1425

Economics

AZ.....	891	—	IA.....	1653	—	NM.....	2251	—
CA.....	984	—	MD.....	1845	—	NY.....	2284	—
CO.....	1129	—	MA.....	1883	—	NC.....	2388	—
CT.....	1171	—	MN.....	2001	—	PA.....	2596	—
DC.....	—	388	MS.....	2056	—	RI.....	2664	—
FL.....	1285	—	NE.....	2134	—	SD.....	2751	—
IL.....	1465	—	NH.....	2177	—	WI.....	3022	—
IN.....	1585	—	NJ.....	2201	—	WY.....	3069	—

Encouragement of Invention/Innovation

AL.....	857	—	OH.....	2466	—	VA.....	2917	—
IL.....	1466	—	PA.....	2596	—	WY.....	—	1426
MA.....	1884	—						

Equity

UT.....	2874	—
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Good Faith

MD.....	1845	—	MA.....	1884	—	VA.....	2917	—
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Property

AK.....	877	214	KS.....	1700	—	ND.....	2444	—
AZ.....	892	232	KY.....	—	602	OH.....	—	1065
CA.....	985	—	MD.....	1846	661	OK.....	2529	—
CO.....	—	310	MA.....	1885	—	OR.....	2559	1108
CT.....	—	330	MI.....	—	716	PA.....	2597	1135
DE.....	—	354	MN.....	2002	—	RI.....	2665	—
DC.....	—	389	MS.....	—	772	SD.....	—	1211
FL.....	—	413	MO.....	2081	792	TN.....	2781	—
GA.....	1354	440	NE.....	2135	836	UT.....	2874	1273
HI.....	—	462	NV.....	—	856	VA.....	2917	—
ID.....	—	482	NH.....	2178	—	WA.....	—	1350
IL.....	1466	504	NM.....	—	924	WV.....	—	1374
IA.....	—	582	NY.....	—	945	WI.....	—	1399
IN.....	1586	—	NC.....	—	1018	WY.....	3069	1426

Trusts

KS.....	1701	—
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Unfair Competition; Unfair Trade Practices

AR.....	917	—	LA.....	1768	—	NC.....	2388	—
AZ.....	—	232	MD.....	1847	—	OK.....	2529	—
CA.....	986	—	MA.....	1885	—	OR.....	2559	—
DE.....	1210	—	MI.....	1940	—	PA.....	2597	—
DC.....	1254	388	MN.....	2003	—	RI.....	2666	—
FL.....	1285	—	MS.....	2056	—	SD.....	2751	—
GA.....	1354	—	MO.....	2082	—	TN.....	2781	—
HI.....	1411	—	MT.....	2113	—	TX.....	2815	—
IL.....	1466	—	NE.....	2135	—	VT.....	2899	—
IN.....	1586	—	NJ.....	2201	—	VA.....	2918	—
IA.....	1653	—	NM.....	2251	—	WI.....	3023	—
KS.....	1701	—	NY.....	2285	—			

Unjust Enrichment

IL.....	1467	—	MI.....	1942	—	NV.....	2161	—
KS.....	1705	—	MN.....	2004	—			

Other Bases/Considerations

AZ.....	—	233	SC.....	—	1187
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**4. Upon what specific type(s) of evidence have plaintiffs (defendants) relied to establish (defeat) the elements of a trade secret and misappropriation of a trade secret claim?**

AL.....	857	194	KY.....	1741	—	ND.....	2444	—
AK.....	878	—	LA.....	1769	621	OH.....	2466	—
AZ.....	892	233	ME.....	1818	—	OK.....	2530	1087
AR.....	918	256	MD.....	1848	—	OR.....	2559	—
CA.....	990	281	MA.....	<i>R</i> 685		PA.....	2598	1136
CO.....	1130	—	MI.....	1942	717	RI.....	2666	1165
CT.....	1171	331	MN.....	<i>R</i> 741		SC.....	2725	1188
DE.....	1212	355	MS.....	2056	—	SD.....	2751	—
DC.....	1254	390	MO.....	2082	793	TN.....	2781	1231
FL.....	1286	414	MT.....	2114	817	TX.....	2821	1247
GA.....	1355	—	NE.....	2135	—	UT.....	2874	1274
HI.....	1412	—	NV.....	2161	—	VT.....	2899	—
ID.....	1427	—	NH.....	2178	875	VA.....	2919	1324
IL.....	1467	—	NJ.....	2202	899	WA.....	2956	—
IN.....	1586	528	NM.....	2251	—	WV.....	3002	1375
IA.....	<i>R</i> 551		NY.....	<i>R</i> 946		WI.....	3023	—
KS.....	1705	—	NC.....	2390	1018	WY.....	3070	—

Advantage (Competitive); Economic Value; Value; Expenditures

AL.....	858	—	IN.....	1588	528	NE.....	2135	—
AR.....	921	256	IA.....	R	551	NJ.....	2202	—
CA.....	990	—	KS.....	1706	—	NY.....	2291	946
CO.....	1132	—	LA.....	1769	—	OH.....	2467	—
DE.....	—	355	ME.....	1819	—	PA.....	2599	—
FL.....	1286	—	MD.....	1848	—	RI.....	2667	—
GA.....	1355	—	MI.....	1944	—	VA.....	2919	—
ID.....	1427	—	MN.....	R	741	WA.....	2956	—
IL.....	1468	—	MO.....	2082	793	WV.....	—	1375

Available (or Not) Through Independent Means; Readily Ascertainable(or Not) Through Independent Means; Reverse Engineering

AZ.....	892	—	MD.....	1848	—	OK.....	—	1087
AR.....	919	—	MA.....	R	686	OR.....	2561	—
CA.....	1007	—	MI.....	1946	717	PA.....	2604	—
FL.....	1290	—	MN.....	R	744	RI.....	2668	—
GA.....	1356	—	MS.....	2056	—	SC.....	2726	1188
IL.....	1472	—	MO.....	2083	—	SD.....	2753	—
IN.....	1589	529	NV.....	2161	—	TN.....	2782	1231
IA.....	—	553	NJ.....	2203	—	WA.....	2957	—
KY.....	1741	—	NY.....	R	950	WV.....	—	1376
LA.....	1769	621	NC.....	2390	—	WI.....	3023	—
ME.....	1818	—	OH.....	2467	—			

Contractual Restrictions/Covenants Not to Compete

CO.....	1131	—	IL.....	1468	—	OH.....	2467	—
DE.....	1214	—	MI.....	1943	—	RI.....	2666	—
FL.....	1287	—	MS.....	2057	—			

Damages/Actual Losses as an Element

CT.....	1172	—	LA.....	1777	—
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Duty of Confidence/Confidential Relationship/Loyalty, Breach of

DE.....	1214	—	MI.....	1943	—	PA.....	2601	—
FL.....	1288	—	MS.....	2057	—	RI.....	2666	—
MA.....	R	685	OH.....	2474	—			

Egregious Conduct

RI.....	2667	—
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Establishing Misappropriation (or Not)

AL.....	860	—	IA.....	R 556	NY.....	2298	—
AZ.....	894	—	KS.....	1708	NC.....	2394	—
AR.....	923	—	KY.....	1746	OH.....	2474	—
CA.....	997	281	LA.....	1775	PA.....	2607	1141
CO.....	1136	—	MD.....	1851	SC.....	2730	—
CT.....	—	331	MA.....	R 690	SD.....	2761	—
DE.....	1218	356	MI.....	1947	TN.....	2782	—
DC.....	—	390	MN.....	2012	TX.....	2830	1247
FL.....	—	414	MS.....	2061	VA.....	2920	1324
GA.....	1359	—	MO.....	2085	WA.....	2961	—
ID.....	1428	—	NE.....	2136	WV.....	—	1377
IL.....	1483	—	NV.....	2162	WI.....	3027	—
IN.....	1603	530	NJ.....	2205			
				899			

Establishing Trade Secret Status (or Not)

AL.....	858	194	KY.....	1741	—	NC.....	2390	—
AZ.....	892	233	LA.....	1769	621	OH.....	2466	—
AR.....	918	—	ME.....	1818	—	OR.....	2559	—
CA.....	990	—	MD.....	1848	—	PA.....	2598	1136
CO.....	1130	—	MA.....	R 685		RI.....	2666	—
CT.....	1171	331	MI.....	1942	717	SC.....	2725	—
DE.....	1212	355	MN.....	R 741		SD.....	2751	—
DC.....	—	390	MS.....	2056	—	TN.....	2781	1231
FL.....	1286	414	MO.....	2082	793	TX.....	2821	1247
GA.....	1355	—	MT.....	—	817	UT.....	2874	1274
ID.....	1427	—	NE.....	2135	—	VT.....	2899	—
IL.....	1467	—	NV.....	2161	—	VA.....	2919	—
IN.....	1586	528	NH.....	—	875	WA.....	2956	—
IA.....	R 551		NJ.....	2202	899	WV.....	—	1375
KS.....	1705	—	NY.....	R 946		WI.....	3023	—

“Fingerprint Errors” Evidence Copying/Similarities Without More

IL..... 1471 —

Former Employee’s Knowledge

DE..... 1215 —

Formula, Pattern, Compilation, Program, Device, Method, Technique, or Process

IA..... R 553 LA..... 1775 —

Improper Means [in Acquiring]

AL.....	860	—	IL.....	1489	—	MN.....	<i>R</i>	750
AZ.....	894	—	KS.....	1708	—	MO.....	2085	—
CA.....	—	281	LA.....	1776	—	OH.....	2474	—
CO.....	1136	—	MD.....	1851	—	PA.....	2610	—
CT.....	—	331	MA.....	<i>R</i>	691	SD.....	2761	—
GA.....	1359	—						

Independent Development

IN.....	1589	—	NJ.....	2206	—	SD.....	2753	—
NV.....	2162	—	PA.....	2611	—			

Innovations Based on Patented Technology

DE.....	1216	—
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Misappropriation Not Established

See Establishing Misappropriation (or Not)

New Products and Modifications as Misappropriations

IL.....	1490	—
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Not Generally Known/Extent Known in Industry

AL.....	858	194	IL.....	1472	—	NY.....	<i>R</i>	—
AZ.....	892	—	IA.....	<i>R</i>	553	NC.....	2390	—
AR.....	922	—	KS.....	1706	—	PA.....	2603	—
CA.....	991	—	LA.....	1774	—	SC.....	2725	—
CO.....	1134	—	MI.....	1945	—	TX.....	2823	1247
CT.....	1173	—	MN.....	<i>R</i>	743	UT.....	—	1274
DE.....	1212	—	MO.....	2082	—	WA.....	2957	—
FL.....	1289	—	NE.....	2135	—	WV.....	—	1376
ID.....	1428	—	NJ.....	2203	947			

Not Readily Ascertainable

See Available Through Independent Means (or Not)

Novelty

MN.....	<i>R</i>	743	OH.....	2469	—	WA.....	2957	—
NY.....	<i>R</i>	948						

Property Rights/Ownership/Ownership Issues

FL.....	1290	—	MI .....	1946	—	TX.....	2832	—
IN.....	1603	—	PA.....	2612	—			
			RI .....	2670	—			

Readily Ascertainable/Available

(See Available Through Independent Means (or Not))

Reasonable[ness of] (or Not) Efforts to Maintain Secrecy;

Secrecy (Expert Witnesses)

AL.....	858	—	LA .....	1771	—	NC.....	2391	—
AR.....	923	—	ME .....	1819	—	OH.....	2470	—
CA.....	992	—	MD.....	1849	—	PA.....	2603	—
CO.....	1136	—	MA.....	R 686		RI.....	2670	—
CT.....	1173	—	MI .....	1946	717	SC .....	2726	1188
DE.....	1216	—	MN.....	R 746		SD .....	2759	—
FL.....	1290	—	MS.....	2061	—	TX.....	2830	—
GA.....	1357	—	MO.....	2083	793	UT.....	2874	1274
IL.....	1473	—	MT.....	—	817	VT.....	2899	—
IN.....	1593	530	NE.....	2136	—	VA .....	2919	—
IA.....	R 554		NH .....	—	875	WA .....	2959	—
KS.....	1707	—	NY.....	2296	—	WI .....	3024	—
KY.....	1742	—						

Third Party and “Reason to Know of” Misappropriation

DE.....	1218	—
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Unjust Enrichment

MI .....	1947	—
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Other: Complaint Not Verified as True; Conclusory Assertions; Consent;

Co-Ownership; Inadvertent Disclosure;

Not Within Statutory Class of Information; Quickly Obsolete;

Use or Disclosure

AZ.....	—	233	KY.....	1746	—	MN.....	R 744
DE.....	1210	—	LA .....	1774	—	TN.....	2783
GA.....	1359	—	MA.....	R 692		WV.....	— 1377
IL.....	1483	—	ME .....	1820	—	WI .....	3023
IA .....	1657	—					

**5. What policy justifications have the courts used to deny trade secret protection?**

AL.....	860	—	KY.....	1747	—	ND.....	2445	—
AK.....	878	—	LA.....	1777	—	OH.....	2476	—
AZ.....	894	—	ME.....	1820	—	OK.....	2530	1087
AR.....	924	—	MD.....	1852	—	OR.....	2561	—
CA.....	1007	—	MA.....	1893	692	PA.....	2612	—
CO.....	1136	—	MI.....	1949	—	RI.....	2671	—
CT.....	1174	331	MN.....	2013	—	SC.....	2730	1189
DE.....	1219	—	MS.....	2061	—	SD.....	2762	—
DC.....	1255	—	MO.....	2086	794	TN.....	2786	—
FL.....	1296	—	MT.....	2114	—	TX.....	2832	—
GA.....	1360	441	NE.....	2138	—	UT.....	2876	1275
HI.....	1412	—	NV.....	2162	—	VT.....	2901	—
ID.....	1431	—	NH.....	2178	875	VA.....	2920	—
IL.....	1490	—	NJ.....	2207	—	WA.....	2962	—
IN.....	1605	531	NM.....	2251	—	WV.....	3002	—
IA.....	1660	—	NY.....	2303	—	WI.....	3027	—
KS.....	1708	—	NC.....	2399	1019	WY.....	3070	—

Contract

NJ..... 2207 —

Duty of Loyalty

NJ..... 2207 —

Property Rights

NJ..... 2207 —

## 6. To which specific types of information have the courts granted trade secret protection?

AL.....	860	194	KY.....	1747	602	ND.....	2445	—
AK.....	878	214	LA.....	1778	621	OH.....	2476	1065
AZ.....	895	235	ME.....	1821	—	OK.....	2531	—
AR.....	926	257	MD.....	1852	661	OR.....	2562	—
CA.....	1008	—	MA.....	1894	694	PA.....	2614	1142
CO.....	1137	310	MI.....	1950	717	RI.....	2671	1165
CT.....	1175	332	MN.....	2015	751	SC.....	2731	1189
DE.....	1220	356	MS.....	2062	772	SD.....	2762	—
DC.....	1255	391	MO.....	2086	795	TN.....	2788	1232
FL.....	1296	414	MT.....	2115	—	TX.....	2833	1248
GA.....	1365	441	NE.....	2139	836	UT.....	2877	1276
HI.....	1412	462	NV.....	2162	856	VT.....	2901	—
ID.....	1431	482	NH.....	2178	—	VA.....	2921	—
IL.....	1492	504	NJ.....	2208	900	WA.....	2962	—
IN.....	1607	531	NM.....	2251	924	WV.....	3002	1377
IA.....	1663	—	NY.....	2307	952	WI.....	3029	1400
KS.....	1709	583	NC.....	2399	1021	WY.....	3071	1426

### a. Scientific data such as chemical processes, manufacturing methods, machines and devices.

AL.....	860	—	KY.....	1747	—	ND.....	2445	—
AK.....	878	—	LA.....	1779	621	OH.....	2476	—
AZ.....	895	—	ME.....	1821	—	OK.....	2531	—
AR.....	927	257	MD.....	1852	—	OR.....	2562	—
CA.....	1009	—	MA.....	1895	—	PA.....	2614	1142
CO.....	1137	—	MI.....	1951	717	RI.....	2671	—
CT.....	1175	332	MN.....	2015	—	SC.....	2731	1189
DE.....	1220	—	MS.....	2062	—	SD.....	2763	—
DC.....	1255	—	MO.....	2086	—	TN.....	2788	1232
FL.....	1297	415	MT.....	2115	856	TX.....	2833	1248
GA.....	1365	—	NE.....	2139	—	UT.....	2877	—
HI.....	1412	—	NV.....	2162	—	VT.....	2901	—
ID.....	1431	—	NH.....	2178	—	VA.....	2921	—
IL.....	1494	—	NJ.....	2209	900	WA.....	2962	—
IN.....	1607	—	NM.....	2251	—	WV.....	3002	1377
IA.....	1663	—	NY.....	R	952	WI.....	3029	—
KS.....	1709	—	NC.....	2400	1021	WY.....	3071	—

**b. Business information such as strategic and/or marketing plans, financial information, and credit and/or pricing policies.**

AL.....	861	—	KY.....	1748	—	ND.....	2446	—
AK.....	878	—	LA.....	1779	—	OH.....	2477	1065
AZ.....	896	—	ME.....	1822	—	OK.....	2532	—
AR.....	930	—	MD.....	1853	—	OR.....	2563	—
CA.....	1010	—	MA.....	1897	—	PA.....	2615	1143
CO.....	1138	—	MI.....	1952	718	RI.....	2671	—
CT.....	1176	332	MN.....	2017	751	SC.....	2731	—
DE.....	1221	—	MS.....	2062	—	SD.....	2763	—
DC.....	1255	—	MO.....	2087	795	TN.....	2789	—
FL.....	1298	—	MT.....	2115	—	TX.....	2835	1249
GA.....	1366	—	NE.....	2139	—	UT.....	2877	1276
HI.....	1413	—	NV.....	2162	—	VT.....	2901	—
ID.....	1431	—	NH.....	2179	—	VA.....	2921	—
IL.....	1501	—	NJ.....	2210	900	WA.....	2963	—
IN.....	1608	—	NM.....	2252	—	WV.....	3002	1378
IA.....	1666	—	NY.....	R	954	WI.....	3035	—
KS.....	1710	583	NC.....	2402	—	WY.....	3071	—

**c. Customer/account/client lists and/or related information such as customer/account/client needs, preferences, or contacts.**

AL.....	861	—	KY.....	1749	—	ND.....	2446	—
AK.....	878	—	LA.....	1781	621	OH.....	2481	1065
AZ.....	896	235	ME.....	1824	—	OK.....	2532	—
AR.....	933	257	MD.....	1854	—	OR.....	2563	—
CA.....	1011	—	MA.....	R	694	PA.....	2617	1143
CO.....	1140	—	MI.....	1953	718	RI.....	2672	—
CT.....	1176	—	MN.....	2020	—	SC.....	2731	—
DE.....	1222	—	MS.....	2065	—	SD.....	2765	—
DC.....	1256	391	MO.....	2090	795	TN.....	2789	—
FL.....	1300	415	MT.....	2115	—	TX.....	2836	1249
GA.....	1369	—	NE.....	2140	—	UT.....	2879	1276
HI.....	1415	—	NV.....	2162	—	VT.....	2901	—
ID.....	1432	—	NH.....	2179	—	VA.....	2922	—
IL.....	1508	—	NJ.....	2211	901	WA.....	2964	—
IN.....	1609	531	NM.....	2252	—	WV.....	3003	1378
IA.....	1668	—	NY.....	R	958	WI.....	3037	1400
KS.....	1713	—	NC.....	2407	—	WY.....	3071	—

**d. Computer programs and/or data compilations.**

AL.....	862	194	KY.....	1751	602	ND.....	2446	—
AK.....	878	214	LA.....	1781	—	OH.....	2484	—
AZ.....	897	235	ME.....	1824	—	OK.....	2533	—
AR.....	938	—	MD.....	1855	661	OR.....	2565	—
CA.....	1025	—	MA.....	R	695	PA.....	2624	1145
CO.....	1142	310	MI.....	1956	720	RI.....	2672	1165
CT.....	1177	334	MN.....	2022	751	SC.....	2731	—
DE.....	1224	356	MS.....	2066	772	SD.....	2766	—
DC.....	1256	392	MO.....	2092	795	TN.....	2791	—
FL.....	1305	415	MT.....	2117	—	TX.....	2837	—
GA.....	1375	441	NE.....	2142	836	UT.....	2879	1277
HI.....	1415	462	NV.....	2163	857	VT.....	2902	—
ID.....	1432	482	NH.....	2179	—	VA.....	2922	—
IL.....	1514	504	NJ.....	2215	901	WA.....	2966	—
IN.....	1611	—	NM.....	2253	924	WV.....	3003	1378
IA.....	1669	—	NY.....	R	966	WI.....	3041	—
KS.....	1716	583	NC.....	2409	1022	WY.....	3072	1426

**e. Employee know-how, including specialized and general skills and knowledge.**

AL.....	862	195	KY.....	1751	—	ND.....	2446	—
AK.....	879	—	LA.....	1782	—	OH.....	2485	1065
AZ.....	897	—	ME.....	1825	—	OK.....	2533	—
AR.....	939	—	MD.....	1855	—	OR.....	2565	—
CA.....	1029	—	MA.....	1899	—	PA.....	2624	1145
CO.....	1144	—	MI.....	1957	—	RI.....	2673	—
CT.....	1178	—	MN.....	2024	—	SC.....	2732	—
DE.....	1224	—	MS.....	2066	—	SD.....	2766	—
DC.....	1256	—	MO.....	2092	—	TN.....	2791	—
FL.....	1305	417	MT.....	2117	—	TX.....	2837	—
GA.....	1377	—	NE.....	2142	—	UT.....	2880	—
HI.....	1416	—	NV.....	2163	—	VT.....	2902	—
ID.....	1433	—	NH.....	2180	—	VA.....	2923	—
IL.....	1516	—	NJ.....	2216	902	WA.....	2966	—
IN.....	1614	—	NM.....	2253	—	WV.....	3003	—
IA.....	1670	—	NY.....	R	968	WI.....	3042	—
KS.....	1716	584	NC.....	2409	—	WY.....	3072	—

**f. Other types of information.**

AL.....	863	—	KY.....	1751	—	ND.....	2447	—
AK.....	879	—	LA.....	1782	—	OH.....	—	—
AZ.....	898	—	ME.....	—	—	OK.....	—	—
AR.....	—	—	MD.....	—	—	OR.....	—	—
CA.....	1031	—	MA.....	1900	—	PA.....	—	—
CO.....	1145	—	MI.....	—	—	RI.....	2673	—
CT.....	1179	—	MN.....	2024	—	SC.....	—	—
DE.....	1225	—	MS.....	2066	—	SD.....	—	—
DC.....	—	—	MO.....	2093	—	TN.....	—	—
FL.....	—	—	MT.....	—	—	TX.....	—	—
GA.....	1378	—	NE.....	2143	—	UT.....	—	—
HI.....	—	—	NV.....	—	—	VT.....	2902	—
ID.....	—	—	NH.....	—	—	VA.....	2923	—
IL.....	1518	—	NJ.....	2216	—	WA.....	2966	—
IN.....	1614	—	NM.....	2253	—	WV.....	—	—
IA.....	1671	—	NY.....	2321	—	WI.....	3043	—
KS.....	1717	584	NC.....	—	1023	WY.....	—	—

**7. What types of relief have the courts granted for misappropriation of trade secrets?**

AL.....	863	—	KY.....	1751	—	ND.....	2447	—
AK.....	879	—	LA.....	1782	622	OH.....	2486	—
AZ.....	898	236	ME.....	1826	—	OK.....	2534	1089
AR.....	939	258	MD.....	1855	662	OR.....	2566	—
CA.....	1033	—	MA.....	1900	—	PA.....	2625	1146
CO.....	1145	—	MI.....	1958	—	RI.....	2673	—
CT.....	1179	335	MN.....	2024	—	SC.....	2732	1190
DE.....	1226	357	MS.....	2067	—	SD.....	2766	—
DC.....	1257	—	MO.....	2093	796	TN.....	2791	—
FL.....	1306	417	MT.....	2118	—	TX.....	2838	1250
GA.....	1379	—	NE.....	2143	—	UT.....	2880	1278
HI.....	1416	—	NV.....	2163	—	VT.....	2902	—
ID.....	1434	483	NH.....	2180	—	VA.....	2923	1324
IL.....	1518	505	NJ.....	2217	902	WA.....	2966	1350
IN.....	1615	532	NM.....	2254	—	WV.....	3003	1379
IA.....	1671	557	NY.....	2322	969	WI.....	3043	—
KS.....	1717	—	NC.....	2410	1024	WY.....	3072	—

**a. Injunctive relief.**

AL.....	863	—	KY.....	1751	—	ND.....	2447	—
AK.....	879	—	LA.....	1782	622	OH.....	2486	—
AZ.....	898	236	ME.....	1826	—	OK.....	2534	1089
AR.....	939	258	MD.....	1855	662	OR.....	2566	—
CA.....	1033	—	MA.....	1901	—	PA.....	2625	1146
CO.....	1145	—	MI.....	1958	721	RI.....	2673	—
CT.....	1179	—	MN.....	2024	—	SC.....	2732	1190
DE.....	1226	357	MS.....	2067	—	SD.....	2766	—
DC.....	1257	—	MO.....	2093	796	TN.....	2791	—
FL.....	1306	417	MT.....	2118	—	TX.....	2838	1250
GA.....	1379	—	NE.....	2143	—	UT.....	2880	1278
HI.....	1416	—	NV.....	2163	—	VT.....	2902	—
ID.....	1434	483	NH.....	2180	—	VA.....	2923	1324
IL.....	1518	505	NJ.....	2217	902	WA.....	2966	1350
IN.....	1615	—	NM.....	2254	—	WV.....	3003	1379
IA.....	1672	557	NY.....	2322	969	WI.....	3043	—
KS.....	1717	—	NC.....	2410	1024	WY.....	3072	—

**i. What elements must be shown to obtain injunctive relief?**

AL.....	863	—	KY.....	1751	—	ND.....	2447	—
AK.....	879	—	LA.....	1782	622	OH.....	2486	—
AZ.....	898	236	ME.....	1826	—	OK.....	2534	1089
AR.....	939	—	MD.....	1856	663	OR.....	2566	—
CA.....	1033	—	MA.....	1901	—	PA.....	2629	1146
CO.....	1145	—	MI.....	1958	721	RI.....	2673	—
CT.....	1179	—	MN.....	2024	—	SC.....	2732	1190
DE.....	1226	357	MS.....	2067	—	SD.....	—	—
DC.....	1257	—	MO.....	2094	—	TN.....	—	—
FL.....	1306	417	MT.....	2118	—	TX.....	2838	1250
GA.....	1379	—	NE.....	2143	—	UT.....	2880	1278
HI.....	1416	—	NV.....	2163	—	VT.....	2902	—
ID.....	1434	483	NH.....	2180	—	VA.....	2924	1324
IL.....	1518	505	NJ.....	2217	902	WA.....	2966	1350
IN.....	1615	—	NM.....	2254	—	WV.....	3003	1379
IA.....	R	557	NY.....	R	969	WI.....	3043	—
KS.....	1717	—	NC.....	2410	1024	WY.....	3072	—

**ii. What time periods of injunctive relief have been granted?**

AL.....	864	—	KY.....	1751	—	ND.....	2448	—
AK.....	879	—	LA.....	1784	—	OH.....	2490	—
AZ.....	899	—	ME.....	1827	—	OK.....	2536	—
AR.....	940	258	MD.....	1858	—	OR.....	2567	—
CA.....	1039	—	MA.....	1909	—	PA.....	2634	—
CO.....	1147	—	MI.....	1962	—	RI.....	2674	—
CT.....	1181	—	MN.....	2027	—	SC.....	2732	1192
DE.....	1227	358	MS.....	2068	—	SD.....	—	—
DC.....	1257	—	MO.....	2095	796	TN.....	—	—
FL.....	1309	—	MT.....	2118	—	TX.....	2842	—
GA.....	1381	—	NE.....	2144	—	UT.....	2881	—
HI.....	1416	—	NV.....	2163	—	VT.....	2903	—
ID.....	1434	—	NH.....	2181	—	VA.....	2926	—
IL.....	1524	—	NJ.....	2224	—	WA.....	2970	—
IN.....	1617	—	NM.....	2256	—	WV.....	3004	—
IA.....	1674	—	NY.....	2333	—	WI.....	3044	—
KS.....	1718	—	NC.....	2412	—	WY.....	3074	—

**iii. What starting dates for the injunctive period have courts imposed?**

AL.....	864	—	KY.....	1752	—	ND.....	2448	—
AK.....	879	—	LA.....	1784	—	OH.....	2492	—
AZ.....	900	—	ME.....	1827	—	OK.....	2536	—
AR.....	940	—	MD.....	1858	—	OR.....	2568	—
CA.....	1041	—	MA.....	1909	—	PA.....	—	—
CO.....	1147	—	MI.....	1963	—	RI.....	2676	—
CT.....	1182	—	MN.....	2028	—	SC.....	2733	1192
DE.....	1228	—	MS.....	2069	—	SD.....	—	—
DC.....	1257	—	MO.....	2095	—	TN.....	—	—
FL.....	1309	—	MT.....	2118	—	TX.....	2842	—
GA.....	1382	—	NE.....	2144	—	UT.....	2882	—
HI.....	1416	—	NV.....	2163	—	VT.....	2903	—
ID.....	1435	—	NH.....	2182	—	VA.....	2926	—
IL.....	1529	—	NJ.....	2224	—	WA.....	2970	—
IN.....	1618	—	NM.....	2256	—	WV.....	3004	—
IA.....	1674	—	NY.....	2334	—	WI.....	3044	—
KS.....	1718	—	NC.....	2412	—	WY.....	3074	—

**b. Damages.**

AL.....	864	—	KY.....	1752	—	ND.....	2448	—
AK.....	879	—	LA.....	1784	—	OH.....	2492	—
AZ.....	900	—	ME.....	1827	—	OK.....	2536	—
AR.....	940	258	MD.....	1858	664	OR.....	2568	—
CA.....	1041	—	MA.....	1909	—	PA.....	2634	1146
CO.....	1147	—	MI.....	1963	—	RI.....	2676	—
CT.....	1182	335	MN.....	2028	—	SC.....	2733	—
DE.....	1229	—	MS.....	2069	—	SD.....	2767	—
DC.....	1257	—	MO.....	2095	797	TN.....	2792	—
FL.....	1310	—	MT.....	2118	—	TX.....	2842	1250
GA.....	1382	—	NE.....	2144	—	UT.....	2882	—
HI.....	1417	—	NV.....	2163	—	VT.....	2903	—
ID.....	1435	484	NH.....	2182	—	VA.....	2926	1326
IL.....	1529	506	NJ.....	2225	—	WA.....	2971	—
IN.....	1618	532	NM.....	2256	—	WV.....	3004	—
IA.....	1674	—	NY.....	2334	981	WI.....	3045	—
KS.....	1718	—	NC.....	2413	—	WY.....	3074	—

**i. What elements must be shown to obtain damages?**

AL.....	864	—	KY.....	1752	—	ND.....	2448	—
AK.....	879	—	LA.....	1784	—	OH.....	2492	—
AZ.....	900	—	ME.....	1827	—	OK.....	2536	—
AR.....	940	—	MD.....	1859	664	OR.....	2568	—
CA.....	1041	—	MA.....	1909	—	PA.....	2635	1147
CO.....	1147	—	MI.....	1963	—	RI.....	2676	—
CT.....	1182	335	MN.....	2028	—	SC.....	2733	—
DE.....	1229	—	MS.....	2069	—	SD.....	2767	—
DC.....	1257	—	MO.....	2095	797	TN.....	2792	—
FL.....	1310	418	MT.....	2119	—	TX.....	2842	—
GA.....	1382	—	NE.....	2144	—	UT.....	2882	—
HI.....	1417	—	NV.....	2163	—	VT.....	2903	—
ID.....	1435	—	NH.....	2182	—	VA.....	2927	1326
IL.....	1529	—	NJ.....	2225	—	WA.....	2971	—
IN.....	—	—	NM.....	2256	—	WV.....	3004	—
IA.....	1674	—	NY.....	2334	—	WI.....	3045	—
KS.....	1718	—	NC.....	2413	—	WY.....	3074	—

Actual (Loss)/Compensatory Damages

FL.....	1310	—	IA.....	1675	—	WA.....	2971	—
ID.....	1435	—	LA.....	1784	—			
IL.....	1531	—						

Awarding Both Damages and Injunctive Relief

RI.....	2677	—
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Constructive Trusts

NY..... 2334 —

Lost Profits

IA..... 1677 — RI..... 2676 — WA..... 2971  
NC..... 2413 — TX..... 2842

Nominal Damages

FL..... — 418

Punitive/Exemplary Damages

FL..... 1310 — IA..... 1676 — RI..... 2676 —  
IL..... 1532 — OH..... 2492 —

Reasonable Royalty

GA..... 1382 — NY..... 2335 — TX..... 2843 —

Rescission

TX..... 2843 —

Unjust Enrichment

LA..... 1785 — WA..... 2973 —

**ii. What types of damages have been awarded? (e.g., lost profits, punitive damages, etc.)**

AL.....	864	—	KY.....	1752	—	ND.....	2448	—
AK.....	879	—	LA.....	1785	—	OH.....	2493	—
AZ.....	900	—	ME.....	1827	—	OK.....	2537	—
AR.....	940	—	MD.....	1859	—	OR.....	2568	—
CA.....	1041	—	MA.....	1910	—	PA.....	2635	1147
CO.....	1148	—	MI.....	1963	—	RI.....	2677	—
CT.....	1182	—	MN.....	2028	—	SC.....	2734	—
DE.....	1230	—	MS.....	2069	—	SD.....	2767	—
DC.....	1258	—	MO.....	2096	—	TN.....	2792	—
FL.....	1311	418	MT.....	2119	—	TX.....	2844	1250
GA.....	1383	—	NE.....	2145	—	UT.....	2882	—
HI.....	1417	—	NV.....	2163	—	VT.....	2903	—
ID.....	1436	484	NH.....	2183	—	VA.....	2927	1326
IL.....	1534	—	NJ.....	2225	—	WA.....	2974	—
IN.....	1619	—	NM.....	2256	—	WV.....	3004	—
IA.....	1677	—	NY.....	2335	—	WI.....	3046	—
KS.....	1719	—	NC.....	2414	—	WY.....	3074	—

Actual (Loss)/Compensatory Damages

AR.....	940	—	MI.....	1963	—	ND.....	2448	—
CT.....	1182	—	MN.....	2028	—	OH.....	2493	—
ID.....	1436	484	MS.....	2069	—	OK.....	2537	—
IL.....	1534	—	MT.....	2119	—	TX.....	2844	1250
IN.....	1619	—	NE.....	2145	—	WA.....	2974	—
IA.....	1677	—	NY.....	2335	—	WI.....	3046	—

Contumacy Damages

UT.....	2882	—
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Developmental Costs

ID.....	1436	—
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Disgorgement

MS.....	2069	—	IA .....	2355	—	RI .....	2677	—
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Lost Profits

AZ .....	900	—	MT .....	2119	—	RI .....	2678	—
IA .....	1677	—	NM.....	2256	—	TX.....	2844	—
KS .....	1719	—	NY.....	2336	—	WI .....	3046	—
MA .....	1911	—	NC.....	2415	—			

Nominal Damages

FL.....	—	418	RI .....	2678	—
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Punitive/Exemplary Damages

AR.....	941	—	MI .....	1963	—	ND .....	2448	—
CA.....	1043	—	MN.....	2029	—	OH .....	2493	—
CT.....	1182	—	MO.....	2097	—	OK .....	2539	—
GA.....	1383	—	MT .....	2120	—	RI .....	2678	—
ID.....	—	484	NE.....	2145	—	TX.....	2846	—
IL.....	1535	—	NM.....	2257	—	UT.....	2882	—
IA .....	1678	—	NY.....	2335	—	WA .....	2975	—
KS .....	1720	—	NC.....	2415	—	WI .....	3053	—
MA .....	1911	—						

Reasonable Royalty

CA.....	1043	—	MA .....	1912	—	RI .....	2678	—
GA.....	1383	—	NY.....	2337	—	TX.....	2846	—
IA .....	1678	—						

Unjust Enrichment

AR.....	940	—	IL.....	1535	—	MN.....	2030	—
CA.....	1044	—	IN.....	1619	—	NC.....	2415	—
CT.....	1182	—	MI.....	1964	—	WA.....	2976	—
ID.....	1437	—						

Other Remedies (Constructive Trusts, Costs, Fines,

Prejudgment and Post-Judgment Interest, Salary Forfeiture, Etc.)

CA.....	1046	—	MN.....	2029	—	ND.....	2449	—
IA.....	1678	—	NY.....	2337	—	UT.....	2882	—
MA.....	1910	—						

**iii. How have such damages been calculated?**

AL.....	865	—	KY.....	1752	—	ND.....	2449	—
AK.....	880	—	LA.....	1785	—	OH.....	2494	—
AZ.....	900	—	ME.....	1828	—	OK.....	2539	—
AR.....	941	258	MD.....	1859	—	OR.....	2568	—
CA.....	1046	—	MA.....	1912	—	PA.....	2635	1147
CO.....	1148	—	MI.....	1964	—	RI.....	2679	—
CT.....	1183	—	MN.....	2030	—	SC.....	—	—
DE.....	1230	—	MS.....	2069	—	SD.....	—	—
DC.....	1258	—	MO.....	2097	—	TN.....	2793	—
FL.....	1311	—	MT.....	2121	—	TX.....	2846	1251
GA.....	1384	—	NE.....	2145	—	UT.....	2882	—
HI.....	1417	—	NV.....	2164	—	VT.....	2903	—
ID.....	1437	—	NH.....	2183	—	VA.....	2928	1327
IL.....	1536	532	NJ.....	2225	—	WA.....	2977	—
IN.....	1619	—	NM.....	2257	—	WV.....	3004	—
IA.....	1678	—	NY.....	2338	—	WI.....	3053	—
KS.....	1720	—	NC.....	2416	—	WY.....	3074	—

I TRADE SECRETS—2008 CUMULATIVE SUPPLEMENT

Actual (Loss)/Compensatory Damages/Lost Profits

AR.....	941	—	IN.....	1619	—	OH.....	2494	—
CA.....	1047	—	IA.....	1678	—	WA.....	2977	—
IL.....	1536	—	NC.....	2416	—	WI.....	3053	—

Contumacy Damages

UT.....	2882	—
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Expected Gross Sales Less Cost of Materials

AZ.....	900	—
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Punitive/Exemplary Damages

CA.....	1049	—	IL.....	1537	—	NC.....	2416	—
CT.....	1184	—	IN.....	—	532	OH.....	2495	—

Reasonable Royalty

CA.....	1052	—	OH.....	2496	—	RI.....	2679	—
IA.....	1679	—						

Unjust Enrichment

AR.....	941	119	IL.....	1537	—	NC.....	2416	—
CA.....	1047	—	IN.....	1621	533			

**c. Attorney's fees.**

AL.....	865	—	KY.....	1752	—	ND.....	2449	—
AK.....	880	—	LA.....	1786	—	OH.....	2497	—
AZ.....	901	237	ME.....	1828	—	OK.....	2539	—
AR.....	944	—	MD.....	1860	—	OR.....	2569	—
CA.....	1053	—	MA.....	1912	—	PA.....	2635	1148
CO.....	1149	—	MI.....	1965	721	RI.....	2680	—
CT.....	1184	335	MN.....	2030	—	SC.....	2735	—
DE.....	1230	—	MS.....	2070	—	SD.....	2767	—
DC.....	1258	—	MO.....	2098	—	TN.....	2793	—
FL.....	1312	—	MT.....	2121	—	TX.....	2847	—
GA.....	1384	—	NE.....	2145	—	UT.....	2883	—
HI.....	1418	—	NV.....	2164	—	VT.....	2903	—
ID.....	1437	—	NH.....	2183	—	VA.....	2928	1329
IL.....	1537	—	NJ.....	2225	—	WA.....	2978	—
IN.....	1623	533	NM.....	2257	—	WV.....	3004	1380
IA.....	1679	—	NY.....	2341	—	WI.....	3054	—
KS.....	1720	—	NC.....	2417	1026	WY.....	3075	—

**i. If the courts have awarded attorney’s fees in this type of case, what elements must be shown to obtain such fees?**

AL.....	865	—	KY.....	1752	—	ND.....	2449	—
AK.....	880	—	LA.....	1786	—	OH.....	2497	—
AZ.....	901	237	ME.....	1828	—	OK.....	2539	—
AR.....	944	—	MD.....	1860	—	OR.....	2569	—
CA.....	1053	—	MA.....	1912	—	PA.....	2635	1148
CO.....	1149	—	MI.....	1965	721	RI.....	2680	—
CT.....	1184	335	MN.....	2030	—	SC.....	2735	—
DE.....	1230	—	MS.....	2070	—	SD.....	2767	—
DC.....	1258	—	MO.....	2098	—	TN.....	—	—
FL.....	1312	—	MT.....	2121	—	TX.....	2847	—
GA.....	1384	—	NE.....	—	—	UT.....	2883	—
HI.....	1418	—	NV.....	2164	—	VT.....	2904	—
ID.....	1437	—	NH.....	2183	—	VA.....	2928	1239
IL.....	1537	—	NJ.....	2225	—	WA.....	2978	—
IN.....	1623	—	NM.....	2257	—	WV.....	3004	1380
IA.....	1679	—	NY.....	2341	—	WI.....	3054	—
KS.....	1720	—	NC.....	2417	1026	WY.....	3075	—

**ii. What amounts of such fees have been awarded and how have these fees been calculated/estimated?**

AL.....	867	—	KY.....	1752	—	ND.....	2450	—
AK.....	880	—	LA.....	1786	—	OH.....	2497	—
AZ.....	901	—	ME.....	1829	—	OK.....	2541	—
AR.....	945	—	MD.....	1860	—	OR.....	2569	—
CA.....	1055	—	MA.....	1913	—	PA.....	2636	—
CO.....	1150	—	MI.....	1965	—	RI.....	2681	—
CT.....	1185	—	MN.....	2030	—	SC.....	2735	—
DE.....	1231	—	MS.....	2070	—	SD.....	2768	—
DC.....	1259	—	MO.....	2098	—	TN.....	—	—
FL.....	1312	—	MT.....	2121	—	TX.....	2847	—
GA.....	1384	—	NE.....	—	—	UT.....	2884	—
HI.....	1418	—	NV.....	2164	—	VT.....	2904	—
ID.....	1438	—	NH.....	2184	—	VA.....	2930	—
IL.....	1539	—	NJ.....	2225	—	WA.....	2980	—
IN.....	1625	—	NM.....	2257	—	WV.....	3006	—
IA.....	1679	—	NY.....	2341	—	WI.....	3054	—
KS.....	1721	—	NC.....	2418	—	WY.....	3075	—

**8. Have the courts granted protection to some type of “proprietary information” that does not rise to the level of a trade secret?**

AL.....	867	—	KY.....	1753	—	ND.....	2450	—
AK.....	880	—	LA.....	1787	—	OH.....	2497	—
AZ.....	901	—	ME.....	1829	—	OK.....	2541	—
AR.....	945	—	MD.....	1861	—	OR.....	2569	—
CA.....	1056	—	MA.....	1913	—	PA.....	2636	1148
CO.....	1150	—	MI.....	1965	—	RI.....	2681	—
CT.....	1185	—	MN.....	2031	—	SC.....	2736	—
DE.....	1233	—	MS.....	2070	—	SD.....	2768	—
DC.....	1259	393	MO.....	2099	—	TN.....	2793	—
FL.....	1312	—	MT.....	2121	—	TX.....	2848	—
GA.....	1384	—	NE.....	2146	—	UT.....	2884	1820
HI.....	1419	—	NV.....	2165	857	VT.....	2904	—
ID.....	1438	—	NH.....	2184	—	VA.....	2931	—
IL.....	1539	—	NJ.....	2226	904	WA.....	2982	—
IN.....	1626	—	NM.....	2258	—	WV.....	3006	—
IA.....	R	560	NY.....	2341	—	WI.....	3054	1401
KS.....	1721	—	NC.....	2418	—	WY.....	3075	—

**9. Law review articles that examine the law of trade secrets and other proprietary information in this state.**

AL.....	867	195	KY.....	1753	603	ND.....	2451	1045
AK.....	881	215	LA.....	1791	622	OH.....	2497	1067
AZ.....	901	238	ME.....	1830	641	OK.....	2542	1088
AR.....	945	258	MD.....	1862	664	OR.....	2569	1109
CA.....	1059	282	MA.....	1915	697	PA.....	2637	1149
CO.....	1150	311	MI.....	1965	722	RI.....	2681	1166
CT.....	1186	336	MN.....	2031	751	SC.....	2736	1192
DE.....	1234	358	MS.....	2071	773	SD.....	2769	1212
DC.....	1260	394	MO.....	2099	798	TN.....	2793	1232
FL.....	1313	419	MT.....	2121	818	TX.....	2849	1251
GA.....	1385	442	NE.....	2146	837	UT.....	2884	1280
HI.....	1419	463	NV.....	2165	858	VT.....	2904	1301
ID.....	1438	484	NH.....	2184	876	VA.....	2932	1330
IL.....	1540	506	NJ.....	2228	905	WA.....	2982	1351
IN.....	1626	533	NM.....	2259	925	WV.....	3007	1380
IA.....	1681	561	NY.....	2343	981	WI.....	3055	1401
KS.....	1722	584	NC.....	2419	1027	WY.....	3076	1427