

## A Kind of Short Story about Trade Secrets



**Visionfactory** GA, LLC  
Atlanta  
[www.visionfactory.biz](http://www.visionfactory.biz)



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About **visionfactory**  
**visionfactory** is for young entrepreneurs because it is run by young entrepreneurs and inventors who have created products, businesses and developed a valued set of contacts with industry experts in the process. We know that your ability to develop and protect your new business starts with a strategy that gives you the best set of options and the best chance of getting funded.

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 Other visionfactory titles:  
 Another Short Story about Trademarks  
 A Kind of Short Story about Trade Secrets  
 A Not So Short Story about Patents

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## Shaken not Stirred

From the depths of bourbon country, 007 remains tied to his 'Three measures of Gordon's, one of vodka, half a measure of Kina Lillet. Shake it very well until it's ice-cold, then add a large thin slice of lemon-peel'. If he had kept the recipe to himself and not shared it on film, who knows? If you keep your secrets to yourself and you are serious about it, contact these guys:

US Department of Justice Computer Crime & Intellectual Property Section  
<http://www.cybercrime.gov>  
 Economic Espionage Act  
<http://www.usdoj.gov/criminal/cybercrime/ea.html>



[ntocups@bellsouth.net](mailto:ntocups@bellsouth.net)

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## The Lesson of Slazenger 7

Even the most amateur of golfers would not have picked Oddjob as a caddy. Keeping your trade secrets safe, and your ball from being switched, requires focus and attention to the details. You, and no one else, are responsible for:

- Understanding if the information is known outside your business
- Restricting access
- Establishing its value to you
- Proving the costs to develop the information
- Making it difficult to duplicate or acquire

Don't let an Oddjob do your job...

## A Kind of Short Story about Trade Secrets

### A kid's brief and illustrious journey into the Black Box

By Lehn Ellingson

Da. Dot. Da. Dah....Da.Dah.Da



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## A Kind of Short Story about Trade Secrets

### Topics

Things that hurt my brain  
 The password is "I love you"?  
 When to I call in 007?  
 How can I lose my trade secret?  
 Can Q Branch help?  
 Can M help?  
 What happens when it's stolen?  
 The Lesson of Slazenger 7  
 Shaken not Stirred

The information in this booklet is for informational purposes only and is not intended to and does not constitute legal advice.

## What happens when it's stolen?

Eve Moneypenny took her best shot and Patrice got away with the computer files (trade secrets). Even when we do all the right things, "misappropriation" happens. Although the solution will vary from state to state, you do not have to wait for someone to disclose or use your secret. Simply threatening to use it without your consent may allow you to:

- Get an injunction
- File a lawsuit
- Collect damages
- Collect your attorney's fees

But you must act. Don't wait for Goldfinger to leave Fort Knox.

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But you must act. Don't wait for Goldfinger to leave Fort Knox.

## Can M Help?

Yes, the Federal government created the Economic Espionage Act of 1996 (EEA). The Act makes the intentional theft, copying or receiving of trade secrets, for whatever reason, a crime punishable by heavy fines and possible imprisonment.

More recently, amendments to the Computer Fraud and Abuse Act (CFAA) have addressed our trade secrets in the digital world. Any damage or loss created by accessing your computers without authorization can be punished and further violation of your trade secret rights can be subject to a ban on use...you don't have to take a fall...

## Things that hurt my brain

This list might be longer list than this booklet can handle. Trade secrets, however, are not on this list. A trade secret is virtually anything that 1) gives you advantage over competitors, and 2) you make an effort to keep secret. Trade secrets can include:

- Customer lists
- Pricing formulas
- Computer programs
- Manufacturing processes
- Product formulas (Coca-Cola® soft drink's secret formula)

Information that is common knowledge or available in public cannot be protected as a trade secret.

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Information that is common knowledge or available in public cannot be a trade secret.

## The password is “I love you”?

Perhaps using this password with Tiger Tanaka was uncomfortable for 007 but it shows a “reasonable” effort to keep trade secrets from the competition. While patents are published and protected, trade secrets lose their protection if they become public.

One way to protect trade secrets is to use a black box approach. Only the double 0’s can see what is in the box. Separating what is to remain secret from the rest of the process can make a trade secret a valuable property and at much less cost than a patent and its protection could last forever...think diamonds...

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## Can Q Branch help?

It would be great if we could make trade secrets invisible like a vanished Vanquish’s adaptive camouflage. Say that five times fast. Get help from professionals to review your product or service to find ways to protect the “secret sauce” within it. iPods do this by self-destructing the power management software when the case is opened. In China, Alcoa fully automates sealing Coca-Cola® soft drink cans with photographic wraps where no humans can see the secret treatment process.

Sometimes even good design can be broken. If SPECTRE steps up to the plate, it’s time to call for help.

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## How can I lose my trade secret?

Trusting your most important secrets to Vesper Lynd was too obvious a mistake...love makes us blind. You can lose your protection if:

- You fail to try to protect it
- Someone else publishes it
- Someone steals, uses or discloses it and you do nothing

It is important to note that others can discover your trade secret legitimately through research, reverse engineering or observation. This makes protecting your trade secrets throughout the design of your product very important...talk to Q...

## When do I call in 007?

In the world of corporate espionage, it would appear as though trade secrets are hard to keep. Ways to protect them include:

- Contracts and agreements with employees and others to restrict disclosure
- Storing secret documents in locked areas
- Using passwords and ID cards to access restricted areas
- Disclosing secrets to just employees you trust

Perhaps Professor Metz would have done better if he inspected IDs in person. Protecting trade secrets is not a game left to chance.

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