

Trademark case: InteliClear LLC v. ETC Global Holdings Inc., USA

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Genuine issues of material fact existed regarding whether the plaintiff's electronic system for managing brokerage accounts contained protectable trade secrets.

Trade secrets misappropriation claims brought by InteliClear, LLC, under the federal Defend Trade Secrets Act (DTSA) and the California Uniform Trade Secrets Act (CUTSA) against ETC Global Holdings have been reinstated by the U.S. Court of Appeals in San Francisco, which reversed a district court's dismissal of the complaint. There were triable issues of fact regarding whether parts of InteliClear brokerage management system were trade secrets that had been the subject of reasonable efforts to protect. These issues should be decided by a jury, rather than by summary judgment, the appellate court said. In addition, the Ninth Circuit held that the district court abused its discretion by refusing to allow the plaintiff to address these issues by additional discovery pursuant to Federal Rule of Civil Procedure 56(d) (InteliClear, LLC v. ETC Global Holdings, Inc., October 15, 2020, Gould, R.).

Case date: 15 October 2020

Case number: No. 19-55862

Court: United States Court of Appeals, Ninth Circuit

A full summary of this case has been published on Kluwer IP Law.