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TOP TRADE SECRETS Lawyers



AMY H. CANDIDO

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Amy H. Candido boasts extensive experience in significant trade secrets and other IP disputes over the past two decades.

In a high-stakes case filed in March 2023, she represents Avilar, RA Capital and Dr. Deshpande in a trade secret misappropriation and breach of contract lawsuit related to extracellular protein degradation using bi-functional molecules.

The complaint values the plaintiffs' trade secrets at a minimum of \$75 million. RA Capital specializes in life sciences and drug development, while Avilar focuses on biopharmaceuticals. The case is in its early stages, with fact discovery underway.

In another significant case, DAT Solutions, LLC alleged that Candido's client Convoy, Inc. misappropriated trade secrets and breached contracts by creating a competing "load board," enabling freight brokers to post shipment listings for transportation. Candido and her team obtained a rare dismissal of DAT's trade secret misappropriation claims on the basis that DAT failed to sufficiently allege that it took reasonable measures to keep the information at issue secret because it had alleged that market participants could easily access the DAT load board through a mobile application, the internet, or monitors located inside truck stops.

Apart from her litigation work, Candido provides confidential counseling to clients on various trade secret infringement and employee movement-related matters, showcasing her versatility in the field.

Challenges in her work often involve representing a diverse range of clients, from very large companies to smaller emerging ones, and navigating legal disputes that can have a significant impact on these businesses. For instance, in *DAT Solutions, LLC v. Convoy, Inc.*, Candido and her team were faced with trade secret misappropriation and breach of contract claims based on several agreements between DAT and Convoy containing highly restrictive non-compete and exclusive use provisions, as well as confidentiality restrictions. In addition to defending against DAT's claims, Candido and her team brought counterclaims challenging DAT's non-compete and exclusive use provisions as anticompetitive.

Candido's strategic work in the matter ultimately led to the court granting Convoy's motion to dismiss, while denying DAT's motion to dismiss Convoy's antitrust counterclaims. Shortly thereafter, the parties reached a confidential settlement.

In terms of emerging trends in the trade secrets field, Candido said, "Due to the prohibition on patenting abstract ideas and the limitation on copyright protection to works of human authorship, trade secret law has become essential to the protection of AI-related intellectual property and potentially AI-generated content. AI will challenge trade secret law to address many interesting questions, including what constitutes reasonable measures to protect a trade secret in the AI context, to what degree public training data may constitute a compilation trade secret, and how to measure damages in these nascent markets. And, as society becomes increasingly concerned about the responsible use of AI, we will need to reconcile calls for greater transparency and oversight with trade secret protection for AI."

Candido's dedication to advancing the practice of law in trade secrets disputes is evident in her leadership of a high-profile effort initiated by the Sedona Conference Trade Secrets Working Group. She is developing standard jury instructions for use in federal Defend Trade Secrets Act (DTSA) trials, a multi-year endeavor aimed at creating much-needed standard guidelines.