

Law # 6930 (Section 1298)

3 Credits

Required Text

The required text for this course is Rowe and Sandeen, Cases and Materials on Trade Secret Law (3rd Edition). For additional reference, you may also consult our Trade Secret Law in a Nutshell 2d Edition, but this is not required. Other handouts or materials may be assigned during the semester. You may access all reading assignments, supplemental materials, and view other course related information on the course TWEN® page. You are required to register on TWEN® by the end of the drop/add period for the semester. The syllabus will also be available on Canvas.

Classes

Classes will be held on Tuesdays and Wednesdays from 10:30-11:55 a.m. in MLAC-106. The final exam is tentatively scheduled for Friday, April 29th.

Office Hours

My office hours are on Wednesdays from 12:15 p.m.-1:15 p.m. and for your convenience, I am available throughout the week via Zoom. I encourage you to touch base with me frequently. Please e-mail me to set up a mutually convenient time.

Contact Information

My office is in Room 312E and the telephone number is (352) 273-0927. My e-mail address is rowe@law.ufl.edu. I strongly encourage you to contact me regularly during the semester and to ask any questions that you may have about the course or even more generally about the practice of law.

Course Description

This course addresses the law and theory applicable to the protection of confidential and proprietary business information ranging from formulas to customer lists. It includes coverage of trade secret protection and misappropriation in the employment context, such as issues regarding confidentiality and non-competition agreements, and the inevitable disclosure doctrine. Litigation strategies in trade secret misappropriation cases, as well as procedures and requirements for preserving trade secret protection are also covered. Finally, the course touches on relevant comparisons between trade secret law and other forms of intellectual property protection, such as patent law. The specific topics to be covered are listed in the assignment chart provided at the end of this syllabus.

Learning Outcomes

By the end of this course students will be able to:

- Explain rationales for trade secrecy
- Explain eligibility for trade secret protection
- Describe the reasonable efforts requirement
- Describe unique aspects of trade secret litigation
- Explain misappropriation

Class Preparation, Participation, and Attendance

A. Class Preparation and Participation

Preparation for class is mandatory. Before each class you must complete the assigned reading and be prepared to provide thoughtful answers to questions that I pose during class. (Do *not* substitute commercial study aids for my assignments.)

Note that ABA Standard 310 requires that students devote 2 hours of out-of-class preparation for every “classroom hour” of in-class instruction. Therefore, for this 3 credit course, I expect that you will spend at least 6 hours of preparation outside of class each week. This should include very careful and thorough reading and preparation of assignments prior to each class, as well as review of your notes and class materials after each class session.

I expect you to participate meaningfully, professionally, and effectively in this course. Exceptionally strong participation may lead to an adjustment of your grade by up to 1 letter grade (i.e. from a B to an A). Conversely, those who are consistently unprepared and/or who do not participate meaningfully and professionally in class could suffer a deduction of up to one letter grade. My assessment of the strength of your participation in the course includes, but is not limited to, such factors as the quality of classroom comments, the amount of interest demonstrated in the subject, degree of preparation for class and willingness to respond to questions, demonstration of active engagement of the material via application to contemporaneous events, class attendance, disruptive, distracting, or unprofessional behavior in the classroom, and observance of course policies.

Please note that while I encourage the free exchange of ideas and opinions in class, expressions of disagreement must be made in a professional manner that is respectful of your classmates.

Conducting yourselves in a professional manner also means not engaging in any behavior during class that may distract me or your classmates. **This includes, but is not limited to, playing computer games, surfing the web, sending e-mails, and any other use of your computers during class that does not**

involve note taking. Your failure to comply with this policy may be subject to the grade deduction for participation described above, your removal from the classroom, and/or loss of your privilege to use a laptop in the classroom.

B. Class Attendance¹

Attendance is mandatory and you are expected to be **on time**. Habitual tardiness is unprofessional and disruptive to the class. It is also disruptive to have unnecessary entering and exiting during class, so please remain seated throughout the class period unless you have an urgent need to leave the room.

You are expected to wear a mask during class due to the pandemic. This is for your own safety, and for the safety of all of us in the classroom environment. If you are experiencing COVID symptoms, test positive, or have been exposed to a person who is positive, please do not attend class. I will make class recordings available to you so that you will not be disadvantaged for missing class under those circumstances.

It is your responsibility to ensure that your attendance is recorded accurately and contemporaneously. It will be considered a violation of the course rules and the Honor Code to falsely indicate that you were present in class, or to assist a classmate in such misrepresentation.

If you have six (6) or more absences², you will be barred from taking the final exam, and will automatically *fail* this course. Four (4) to five (5) absences may result in a reduction of your grade as described above in the section describing grade adjustments for course participation.

Policy related to Make-up exams or other work

The law school policy on delay in taking exams can be found at:
<http://www.law.ufl.edu/students/policies.shtml#12>.

University Policy on Accommodating Students with Disabilities: Students requesting accommodation for disabilities must first register with the Dean of Students Office (<http://www.dso.ufl.edu/drc/>). The Dean of Students Office will provide documentation to the student who must then provide this documentation to Student Affairs (Dean Rachel Inman) when requesting accommodation. You must submit this documentation prior to submitting assignments or taking the quizzes or exams. Accommodations are not retroactive, therefore, students should contact the office as soon as possible in the term for which they are seeking accommodations.

¹ Only students who are registered in the course are permitted to attend class. Guests are not permitted without my express consent.

² University recognized religious holidays are exempt. Please provide me with advance notification of such absences.

University Policy on Academic Misconduct: Academic honesty and integrity are fundamental values of the University community. Students should be sure that they understand the UF Student Honor Code at <http://www.dso.ufl.edu/students.php>.

Grading

I anticipate that your final course grade will be based principally on a final examination, and will be subject to modification based upon course participation and attendance as described above. [Note that the type of final examination may be subject to change due to COVID-19 uncertainties].

After course grades have been posted, you may review your exam beginning after the first week of the following semester and during a specified period. All exam reviews will be conducted in my office, and you may arrange an appointment by e-mail.

The law school grading policy is available at: <http://www.law.ufl.edu/student-affairs/current-students/academic-policies#9>.

Letter Grade	Point Equivalent
A (Excellent)	4.0
A-	3.67
B+	3.33
B	3.0
B-	2.67
C+	2.33
C (Satisfactory)	2.0
C-	1.67
D+	1.33
D (Poor)	1.0
D-	0.67
E (Failure)	0.0

Recording Devices and Cell Phones

Recordings and publication of recordings are prohibited, except as specifically permitted by Florida HB 233. Cell phones should not be used during class, and ringers must be silenced.

University Policy on Student Course Evaluations

Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. Guidance on how to give feedback in a professional and respectful manner is available at <https://gatorevals.afl.edu/students/>. Students will be notified when the evaluation

period opens and can complete evaluations through the email they receive from GatorEvals in their Canvas course menu under GatorEvals or via <https://ufl.bluera.com/ufl/>. Summaries of course evaluation results are available to students at <https://gatorevals.aa.ufl.edu/public-results/>.