

SECRETS

**Managing Information Assets
in the Age of Cyberespionage**

JAMES POOLEY

***Secrets* Should Lead You in the Right Direction . . . But See a Lawyer Before You Act.**

Legal Disclaimer

I have published this book solely for educational purposes. It is a general guide and context-provider and not intended to be the final word on any issue. Do not consider anything I've written here as any kind of legal advice. The law is complex and precise, and most legal transactions and strategies are unique to the people and companies involved. You should consult a competent lawyer for help on specific matters.

If You Want to Dive Deeper into Trade Secret Law

I hope you agree that *Secrets* is more readable without the hundreds of citations and footnotes that typically weigh down legal texts and even business books about law. If you are interested in a more comprehensive discussion of the legal issues, I urge you to consult my 800-page, fully footnoted law treatise “Trade Secrets”, published and updated twice a year by Law Journal Press. (http://www.lawjournalpress.com/player/eBook_45_Trade_Secrets.html)

ADVANCE PRAISE FOR *SECRETS*

“Jim Pooley has spotted one of the great ironies of modern business: In an age of transparency and ‘open innovation,’ the value of secrets has skyrocketed. And so has their vulnerability. With a mix of vivid storytelling and practical advice, Jim explains the challenge and how to master it. A must-read for every innovator.”

Stan McCoy, former Assistant U.S. Trade Representative
for Intellectual Property and Innovation

“Incredibly interesting, educational, and enlightening! As an advocate of intellectual property, I have always believed in strong patents and trademarks. This brilliant book underscores the importance of protecting trade secrets, too. Pooley makes the reader feel every creak of the tightrope innovators must walk between trusting sensitive information with others yet also taking smart precautions against lawsuits, leaks, and outright theft.”

Louis Foreman, creator of Emmy Award-winning PBS series
“Everyday Edisons” and author of
The Independent Inventor’s Handbook

“Well written, clear, practical, and infused with many compelling examples, *Secrets* provides a reliable guide for the effective management of information assets in our age of highly mobile employees

and rampant cyberespionage. The book is a dose of reality to those in denial about the real and pervasive dangers of the world we live in.”

Federico Faggin, co-inventor of the microprocessor

“*Secrets* is succinct, readily accessible and yet specific and comprehensive, combining law, litigation, client relations and business realities – all from an expert who has lived trade secrecy law in all its complexities for decades. With patent protections in America shrinking steadily, more and more companies and their lawyers will have to turn to trade secrets, and this guide will illuminate the way for all.”

The Hon. Paul Michel, Chief Judge (ret.)
of the Federal Circuit Court of Appeals

“In the Information Age, ideas are our most valuable currency. Anyone who innovates needs a practical guide to protecting valuable business information. Here it is. Using clear language and an abundance of useful examples, Jim lays out how a company’s proprietary information can be protected in an era when everything and everyone is interconnected.”

Peter Detkin, Founder of Intellectual Ventures
and former Vice President of Intel

“Trade secrets are arguably the least understood form of intellectual property, but critically important to large corporations and entrepreneurs alike. In this book, James Pooley draws on his deep experience to provide both a highly readable but also very thoughtful introduction to this critically important area and the implications for business and public policy.”

Josh Lerner, Professor, Harvard Business School,
and author of *The Architecture of Innovation: The Economics of
Creative Organizations*

“A practical, informative must-read for anyone who cares about business success. Full of torn-from-the-headlines examples, as well as entertaining stories illuminating the history of trade secrets, espionage, and patents, it’s a compelling and entertaining read that also explains the legal and strategic underpinnings of trade secret management. Jim Pooley uses easy-to-understand laymen’s terms to enlighten the reader about how and why to both protect and exploit trade secrets for optimal advantage.”

Naomi Fine, Author of *Positively Confidential: 10 Proven Steps to Protecting Confidential Information, Private Data, and Intellectual Property in Today’s Interactive Business World*

“I am completely impressed with the content and format of this book. It explores one of the most crucial issues of our age and does so in a highly accessible way. Jim Pooley has made a complicated topic not only readable but also incredibly engaging. *Secrets* should be required reading for those ‘in the business’: techies, managers, executives, security professionals and law enforcement.”

John Gibbons, Founder of corporate security firm
The Burnside Group and former Justice Department official

“Jim has followed up his last ‘go-to book’ on trade secrets with a new title that takes his ability to write clean, engaging prose to an even higher level. Not only does he mix historical examples, current technology with indispensable practicality, he does it in a fast and interesting read. We now have a new must-read on a subject every business professional needs to master.”

Kevin G. Rivette, partner at 3LP Advisors, former VP of IP Strategy for IBM, and author of *Rembrandts in the Attic*

“This book is informative, timely, and practical. Jim does a fabulous job of explaining how the paradigm of open and collaborative innovation has disrupted traditional approaches to developing new products and services. Information has become the global currency of the 21st century and trade secrets the economy’s most valuable asset. We all need beacons to lead us through these unfamiliar (and risky) waters, and *Secrets* is one that shines brightly indeed.”

Adam Storch, Former Managing Executive and Chief Operating Officer, Division of Enforcement, United States Securities and Exchange Commission

“This book couldn’t have come at a better time for those of us who advise technology companies on maximizing the value of their intellectual property assets. Over the past several years, patents have come under increasing legal and political pressure as the primary repository of corporate technology value. As a result, the use of trade secrets as an adjunct, or in some cases an alternative, is attracting renewed interest. All of this is especially apropos in our brave new ‘connected’ world where proprietary technical and business information is more vulnerable to misappropriation than ever. Jim’s experience in protecting trade secrets and his clear writing style make this book an essential ‘traveling companion’ for anyone who must traverse this harsh and unpredictable terrain.”

Ron Laurie, Managing Director, Inflexion Point Strategy

“*Secrets* sets itself apart from the mundane privacy books in the marketplace and does more than just analyze the impact of the cybersecurity incidents. It’s a thought-provoking reference guide filled with tangible action items to be considered by anyone who must wrestle with the gamut of cyber security issues that are endemic to a complex global world. Jim Pooley delivers succinct and pragmatic recommen-

dations that will help senior legal, business, and technology executives make sense of the perilous environment within which we must all operate.”

Daniel B. Garrie, Esq., Global Head of Cybersecurity at ZEK

“In *Secrets* James Pooley writes a far-reaching (and fascinating) guide on the ‘whys and hows’ of protecting intellectual property through trade secret law. He artfully describes the need to safeguard information in the age of unchecked espionage and fierce competitive intelligence and girds the owner of trade secrets against theft in the global market. In the process Mr. Pooley details employee confidentiality and invention assignment agreements, successful consulting agreements and idea submissions contracts, among many other aspects of managing information assets. This seminal work from an author skilled in the field is a vital addition to an IP attorney’s arsenal. But it’s not *just* a book for lawyers – in fact, I highly recommend *Secrets* to anyone working in the IP field.”

Robert Stoll, Partner, Drinker Biddle, and former Commissioner for Patents, United States Patent and Trademark Office

“In *Secrets: Managing Information Assets in the Age of Cyberespionage*, the author has done something extremely difficult and valuable. He has translated a very complex legal topic into an accessible working guide that the average executive can understand. With intellectual property and information technology deeply embedded in the most fundamental business and social processes, no business or governmental leader can function credibly without a strong working knowledge in the lessons covered in this book. I highly commend the author for his work and suggest that every serious business person inform him/herself by absorbing and reflecting on the clear insights presented in these pages.”

Richard Schneider, Sage Partners,
Executive Counseling and Venture Acceleration

“Jim Pooley’s new book—*Secrets: Managing Information in the Age of Cyberespionage*—is another major contribution to our understanding of trade secrets. It covers the evolving landscape of trade secret law and information asset management in the new era of the Internet and the global cybersphere of worldwide competition. Jim is a gifted writer and one of the true heavyweights in trade secrets law. I highly recommend this book to industry practitioners and others who want to understand the dynamics of modern trade secrets law.”

Mark Halligan, partner at FisherBroyles LLP and author of *Trade Secret Asset Management*

“*Secrets* is the book the profession has been waiting for. It is thorough, accessible, and overflowing with essential advice. Although the book is written primarily for managers, it will be an important tool for lawyers and law students who want to know how the law of trade secrets works in the real world. My only complaint is that Jim Pooley did not write *Secrets* sooner.”

Jay Erstling, Professor, William Mitchell College of Law

“James Pooley is a well-respected global thought leader in intellectual property who shares his deep knowledge of how IP really works (and doesn’t) in today’s marketplace. This intriguing and eye-opening book on trade secrets is essential reading for all corporate executives and attorneys who represent them. It comes at a critical time given the rising importance of the Internet, social media, big data and cybercrimes. I suspect many companies will change how they do business after their executives read Jim’s book.”

Sherry Knowles, Principal, Knowles Intellectual Property Strategies, LLC

“Jim Pooley has managed a rare feat: to write a business book about law that is simultaneously comprehensive, useful, and enjoyable to read irrespective of one’s level of legal expertise.”

Nick Ashton-Hart, senior representative of the technology sector to the UN in Geneva

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Foreword

I FIRST MET Jim Pooley when he was a young attorney pioneering the world of high tech intellectual capital and I was an even younger reporter pioneering the world of high tech reporting at the *San Jose Mercury-News*.

This was 1980, and the reason for our first meeting was a new case of Jim's involving two of the Valley's most important semiconductor companies. Major microprocessor maker Zilog Corporation had recently hired away a senior executive and his team from the even bigger semiconductor giant National Semiconductor Corp., then one of the most powerful companies on the planet. A few weeks later, the departed exec ran into one of his former National workmates at the airport. Feeling triumphant, the exec decided to tease his counterpart . . . to the point of claiming that he'd even taken National's semiconductor fabrication 'recipe' book with him – a statement he would later testify was a joke.

National didn't buy it – and brought suit. Looking back, it was a watershed moment in Silicon Valley history. Before this case, as testified by numerous histories and memoirs since, the Valley was the Wild West. There were few rules; and most of those were regularly broken. Stealing competitors' employees, not just for their talents but the proprietary information in their heads, was standard operating procedure.

The National-Zilog case changed all of that. It was inevitable: the little chip companies that had spun out of Fairchild fifteen years before were now giants, their founders business superstars. There was now

just too much money and reputation at stake; rules now needed to be enforced. The modern Silicon Valley had begun.

And Jim Pooley was right there in the center of the action, helping to create this new tech world.

In the years that followed, as a reporter I regularly called Jim to interview him about what was now an explosion of intellectual property litigation in the Valley. He was now the acknowledged expert on the subject, and the tech world (not to mention the people who wrote about that world) came to him for answers. I can't tell you how many times I called Jim on a story – to always find him both insightful and (speaking as a reporter) frustratingly protective of his clients' interests.

Roll forward twenty years and I'm now the editor of *Forbes ASAP* magazine in the middle of the dot-com bubble. We are in the heart of an economic whirlwind, our industry growing faster and more irrational by the day. Money is flying everywhere; huge fortunes are being made overnight.

It was in the midst of all of this madness, I found myself travelling down to Palo Alto to visit Jim for a major cover story on the growing inability of the U.S. Patent Office to deal with the new, fast-moving reality of high-tech. As always, I knew I had to start my research with Jim Pooley. In the intervening years he had not only become the most respected intellectual capital attorney in tech, but also an expert in trade secrets law. Just a few years before, he had written a treatise on trade secrets that had quickly become the industry standard.

What I didn't expect to find was the calm eye of the hurricane that was dot.com valley. While the rest of us were going slightly mad, Jim remained as cool and competent as ever. He calmly guided me through what had become the maze of patent law . . . and ultimately helped write the most influential investigative story on the subject of that era. Together we helped to change the rules.

A decade later, it came as a disappointment – but not a surprise – that Jim had been named the Deputy Director General for Innovation

and Technology at the United Nation's World Intellectual Property Organization (WIPO). There, Jim managed the international patent system and worked in support of small and medium-sized enterprises and universities. He was, of course, the perfect person for the job, especially with the global, Internet-based economy beginning to define the era. But Geneva's gain was Silicon Valley's loss . . . and we certainly needed Jim here when the bubble again burst and the Valley struggled through one of its toughest, and meanest, eras.

It was with equal pleasure that I learned recently that Jim had finally come back to the Valley – and even more so that he had written this book, something he'd promised to do for years. We had long hoped he would follow through on that promise, not just because of his unmatched knowledge, but because Jim is also a very good writer.

Both talents are on display, in spades, in the pages that follow. *Secrets* is the book that the high tech world has desperately needed for decades – indeed since that day 35 years ago when the Zilog executive ran in the National executive at San Francisco Airport. In those intervening years, the idea of industry secrets in tech has evolved from a brief and casual advantage to a key competitive asset that can be worth tens of billions of dollars over the course of years, to a competitive sphere where avowed transparency and openness rest uneasily on the reality of fortunes spent protecting corporate intellectual assets and secrets.

This is the great contradiction that defines modern life – and everyone from entrepreneurs to the CEOs of giant multinational corporations, scientific researchers to movie studios, artists to inventors, now find themselves walking a razor's edge between the kind of disclosure that can lead to success . . . or to losing everything.

Believe me, after thirty five years of working with Jim as a journalist, author, and even as an entrepreneur, I can tell you that there is no more knowledgeable or wiser Virgil to lead you through this less-than-divine comedy of copyrights, patents and secrets than Jim Pooley. He

knows the right places to look, the tripwires and the unwritten rules. And best of all, he is a master storyteller. You will emerge from this book both better educated and well-entertained.

How can you ask more from a book? It's good to have Jim Pooley home in Silicon Valley. We are going to need him more than ever for the road ahead.

Michael S. Malone

Sunnyvale, California

(Mike Malone is the author of a number of books on business and technology, including *The Big Score*, *The Virtual Corporation*, *The Intel Trilogy* and *Bill and Dave*.)

INTRODUCTION

BANKRUPT NETWORKING GIANT Nortel reveals that its key executives' email passwords were stolen and the company's network hacked for a decade. Boeing, hiring away Lockheed employees who bring documents to their new employer, pays \$615 million to avoid criminal prosecution, while two of its former managers are indicted. Apple scrambles to recover a sample of its unreleased new model iPhone that was left by an employee in a bar – a year after the same thing happened in a different bar. Starwood employees leave to join Hilton, taking with them ideas for a new kind of hotel. And the owner of Thomas' English Muffins goes to court to protect its “nooks and crannies” recipe from being used by a competitor. What do these corporate crises all have in common? Trade secrets. They reflect the enormous value of – and threats to – the most important assets of modern business.

The titans of the 19th Century made fortunes because they controlled access to the raw materials and infrastructure of commerce: steel, oil, lumber, railroads, canals, shipping. They oversaw the first Industrial Revolution and facilitated the second, which culminated in mass production, vastly increasing human productivity and prosperity. But there were only a few of them, and the resources they took often decreased what was available to others.

In contrast, the Third Industrial Revolution creates value not just from ideas that improve our ability to transform materials, but from information itself. In the increasingly globalized, hyperconnected electronic age, businesses and even markets are formed almost overnight.

Compare Watt's steam engine, which took more than thirty years to work on a boat (Fulton's, in 1807) with the photo-sharing technology of Instagram, a two-year-old start-up purchased by five-year-old Facebook in 2012 for \$1 billion. Undeniably, the modern economy relies almost entirely on a rapidly unfolding universe of "intangibles."

This shift to intangible assets has been profound, but so swift that few have paid sufficient attention to the magnitude of the change. The accounting profession values corporations on their balance sheets, reflecting mostly tangible assets. In contrast, Wall Street votes with money, which is why Facebook was worth \$100 billion on its first trading day. Of course, much of a company's stock value is based on what investors think it will be able to earn in the future, and a lot of that is speculation. But peel away the first layer of investor exuberance or wishful thinking, and what do you have to account for the big numbers applied to companies like Google, Facebook and Apple? Some furniture and computers, but likely not much real estate, raw materials, or product inventory. That's the old economy. Today's modern company is built on a foundation of information.

In the Information Age, your secrets – a new technology, a business plan, insights extracted from data analytics – define your competitive advantage. And because business is global, competition can emerge anywhere, anytime. Not just success, but survival requires vigilance and careful management. Those who know how to protect and exploit the most important secrets can quickly leverage their business to profitability and dominance; while those who fail to recognize this new reality are doomed.

What about patents? Isn't that how the value of new technology is captured? Patents do get a lot of attention. Economists often count them as a proxy for innovation, comparing companies and countries in league tables. The popular press focuses on the "patent wars" between high-tech giants and laments what it sees as a wasteful food fight. Certainly patents are critically important, and can be credited for enabling much of the modern technology-based economy. But there is another

part of the legal world of intangible rights that matters at least as much but gets far less air time: trade secrets.

A large part of the reason for this is that trade secrets are, well, secret. Companies don't talk about things that they don't want the competition to know. But according to well-documented studies, secrecy is by far the preferred form of protecting competitive advantage. A 2009 survey of U.S. businesses by the National Science Foundation and the Census Bureau found that, among companies that engage in substantial research and development (R&D) activity, trade secrets are the leading method of protection. And for those companies officially classified as "R&D intensive" – who account for 67% of U.S. R&D expenditure – secrecy is considered the most important form of intellectual property, more than twice the level for invention patents.

This preference for secrecy over patenting may seem odd to some, especially lawyers and judges, who look at the two systems in the abstract. In a landmark 1974 decision finding that trade secret law was not "preempted" by federal patent law, the U.S. Supreme Court said that secrecy, as a method of protecting innovation, was relatively "weak." This is because unlike patents, secrets are not exclusive; that is, someone who independently discovers the same information is just as free to use it as the original discoverer. No rational actor, the court explained, would choose to protect an invention by secrecy when he could claim the power of patenting instead.

It's too bad no one at the Supreme Court surveyed companies about what they were actually doing at the time. One of them, DuPont – the inventor, among many other consumer wonders, of nylon, Teflon and Kevlar – has been the world's leading supplier of titanium dioxide (TiO₂), a whitening agent used in products as diverse as paper, paint, toothpaste, and sunscreen. In 1948, DuPont had cracked the code for a new chloride process that made it possible to manufacture TiO₂ better and cheaper than everyone else. But rather than patent its recipe, DuPont did what a lot of companies do with process technology: they kept it as a secret. So instead of teaching all its competitors through

publication of a patent that would have expired in the 1960s, DuPont continued for over sixty years to support its leading-supplier position in a multi-billion dollar market, enabling a spinoff of the business.

If like DuPont your company owns a process that can't be reverse-engineered by examining the end product, then the advantage of using secrecy is obvious. But even for other technologies, there are good reasons to keep secrets. They're cheap: you don't have to pay for government certification. They're broad, covering many things that patents can't (indeed, they cover just about any business information, like sales data and strategic plans). And unlike a published patent, you don't broadcast to the competition what you're doing.

Of course, as we all learn early in grade school, secrets are vulnerable. They depend on trusting somebody else not to tell. In business, increasingly valuable information is put in the hands of an increasingly mobile – and some might say decreasingly trustworthy – workforce. Paradoxically, the communications revolution that has brought us the Internet, Twitter and Facebook has also exposed corporate data to new and alarming risks of inadvertent loss as well as espionage. And not only is protecting your own information assets a newly compelling priority, but infection from unwanted secrets of competitors has generated expensive litigation and even criminal sanctions. Directors and executives who fail to confront this new reality are ignoring their responsibility to protect and commercialize the company's most valuable assets.

The law that applies to protecting trade secrets around the world is far from uniform. Although the 1995 TRIPS agreement requires all member countries of the World Trade Organization (that is, almost everyone) to enact laws that protect “undisclosed information,” enforcement varies enormously from one country to another. And even though Europe is considering a process of harmonizing trade secret laws, the current reality for global business is a fractured system of secrecy regimes. Fortunately, U.S. law is relatively integrated and

advanced (and indeed was the inspiration for the TRIPS standard), and so will be the source for most of the practical “rules” described here. But a major part of any modern business strategy has to take account of the international legal environment, and you will find appropriate advice in later chapters.

I first wrote a book about trade secrets in 1982, when the most effective way to protect a company’s confidential data was to watch who went in and out the front door. In the intervening years information security has been challenged by the Internet, an emerging culture of disclosure powered by social media, sophisticated hacking tools, global supply chains and a drive towards “open innovation”, in which a company’s search for new business solutions is outsourced to suppliers, customers and a variety of short-term “partners” including even competitors. (This new landscape is explored in more detail in Chapter 1.) The job of tending to information – no longer the exclusive province of IT or security but engaging every operational and strategic part of the enterprise – has never been more complex or rewarding, and it is my hope that this book will enable everyone responsible for creation and protection of ideas to make fewer mistakes and to deploy their intellectual property productively.

Reading this book will give you a deeper understanding of how your business differentiates itself from the competition, and how it must work to keep its edge. As an executive or manager or small-business owner you will come away armed to protect and exploit your company’s advantages. As an individual you will have a greater appreciation for what intellectually belongs to you and how to use it to advance your career without being sued. And whatever your interest or line of work, you will have a much better understanding of how information has become the global currency of the 21st century.

Chapter 1

SECRECY IN THE AGE OF THE INTERNET

WHEN I FIRST started handling trade secret issues in the early 1970s, information security was a local affair for each individual business, involving mostly physical access controls for buildings and documents. And the most sophisticated technological threat to corporate secrecy was the photocopier.

How times have changed. Revolutionary computing and communications advances have increased business productivity and connected everyone and everything; and globalization of trade has opened vast new markets. But these same technologies have dramatically increased the risk of information loss, while the realities of global competition require that companies entrust their most important intangible assets to a growing network of actors around the world.

This is the fundamental security paradox facing business today: secrecy still matters for all the traditional reasons; but success requires sharing and trust in a flatter world of fleeting, shallow relationships, where risks abound. The classical enterprise is losing its separate identity, existing in a more amorphous shape that is defined by external affiliations, the Internet, social media, mobile devices and big data.

Like other business vulnerabilities, these factors can also hold opportunity; but they must be actively managed.

The biggest drivers of information insecurity today are globalized business, the Internet, other communication and storage technologies, and mobile employees (with mobile devices). As a result, management is challenged across a multitude of operational areas, to develop and implement strategies that work in a dynamic and largely unpredictable environment. Let's take a closer look at the issues that should animate those strategies.

Open Innovation and Global Supply Chains

The history of innovation is usually told through a series of stories about heroic individuals who, through a flash of genius, changed society with revolutionary inventions. The truth is less melodramatic, and usually involves more teamwork and fewer “aha” moments. To put it another way, great new inventions seldom spring full-grown from the minds of an inventor; they almost always rest on a series of previous improvements that made the next step possible. So it was with Henry Ford, celebrated for his perfection of the assembly line. When the first large scale mechanized line was activated on December 1, 1913, it was a marvel of efficiency, allowing workers to perform each of 84 separate steps necessary to manufacture a car. But it would not have been possible without the previous century's development of the “American method of manufacture” of interchangeable parts.

Ford is also known for another major achievement in efficiency: the fully integrated production system. The Ford Motor Company didn't just assemble parts into automobiles; it sourced rubber from its own plantation in Brazil, coal and iron from its own mines, and timber from its own forests, so it could manufacture its own parts. And it assured delivery by owning a railroad and a fleet of ships. This “vertical integration” of the enterprise ensured a level of control and risk management that was a match for the needs of the time.

ABOUT THE AUTHOR



JAMES POOLEY PROVIDES international strategic and management advice on patent and trade secret issues, including dispute resolution. He is a frequent keynote speaker to business and professional groups.

One of the world's leading experts in information security and intellectual property law, Mr. Pooley was appointed in 2009 by the White House to a five-year term as Deputy Director General for Innovation and Technology at the World Intellectual Property Organization, a specialized agency of the United Nations, where he was in charge of the international patent system. His current practice combines that management and diplomatic experience with his legal background to help organizations around the globe-- ranging from startups to Fortune 500 companies—meet the critical requirements of protecting information assets.

Before his service at WIPO, Mr. Pooley was a successful trial lawyer in Silicon Valley for over 35 years, representing clients in patent, trade secret and technology litigation. He has also taught trade secret law at the University of Santa Clara and at the University of California, Berkeley. He is a Past President of the American Intellectual Property Law Association and of the National Inventors Hall of Fame, where he currently serves as Chairman of the Board.

In addition to writing *Secrets*, Mr. Pooley has authored or co-authored several major publications, including his treatise *Trade*

Secrets (Law Journal Press) and the *Patent Case Management Judicial Guide* (Federal Judicial Center). He also conceived and co-authored *Introduction to Patents*, a video shown to federal juries in the U.S.

Mr. Pooley has been recognized in the *Guide to the World's Leading Patent Law Experts*, *Best Lawyers in America*, *Chambers' America's Leading Business Lawyers*, and *California Super Lawyers*. In 2003 he was named Lawyer of the Year by *California Lawyer* magazine.

He was a member of the National Academies of Science Committee on IP Rights in the Information-Based Economy from 2000 to 2004, and from 2005 to 2006 of the California Council on Science and Technology, where he remains a Senior Fellow.

Mr. Pooley has been involved since childhood in the Boy Scouts of America, where he currently serves as a member of the National Advisory Council. He is an Eagle Scout and a Baden-Powell Fellow.

He is an honors graduate of Lafayette College and Columbia Law School. In addition to his native English, he has advanced knowledge of French.

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