

TED BEHM SECURES APPEAL FOR CLIENT SUBSCRIBER HOLDINGS

Ted Behm, a partner in Armstrong Teasdale’s Philadelphia office, recently secured a favorable result for client Subscriber Holdings at the U.S. Court of Appeals for the Eleventh Circuit in a case appealed from the U.S. District Court for the Northern District of Georgia. Subscriber Holdings had asserted claims under the Georgia Trade Secrets Act and the federal Defend Trade Secrets Act against Brightstar Corp., and against its subsidiary, Brightstar Device Protection, for breach of a nondisclosure agreement. The Court vacated the district court’s granting of summary judgment and remanded the matter.

At issue was Subscriber Holdings’ “Subscriber Assistance Program” (SAP) for mobile phone companies for managing customer attrition risk, which the client claimed Brightstar improperly used and disclosed. The Circuit Court concluded that the District Court erred in ruling that the SAP was not described concretely enough to constitute a trade secret; that Subscriber Holdings publicly disclosed the SAP prior to the execution of the nondisclosure agreement. The Circuit Court also concluded that the district court erred in finding that Subscriber Holdings had failed to allege a breach of the nondisclosure agreement, and that the district court defined the trade secret too narrowly.

Further, the Court also concluded that the district court abused its discretion in denying Subscriber’s motions to compel, stating that Brightstar had not “substantially responded” to relevant discovery requests by Subscriber.

The case will now head to a jury trial.

PEOPLE

Edward F. Behm, Jr.