



→ Rebecca Edelson

Partner

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Rebecca (“Bec”) Edelson is a partner in the Intellectual Property and Litigation Practice Groups and leads the firm’s Trade Secrets Team. Bec prides herself in providing creative solutions that meet her clients’ business and budget goals.

Areas of Practice

Bec represents businesses in intellectual property, unfair competition and injunction matters. She handles all phases of state and federal litigation, including pre-trial development, discovery and motion practice, trials, writs and appeals. She also counsels businesses on how to proactively protect their proprietary rights and information to minimize the risk of litigation.

Bec represents clients in a variety of industries, including the entertainment, aerospace, energy, retail, fashion, financial, medical technology, biotech, computer, panel-maker, database, toy, jewelry, heavy/industrial equipment, lighting technology, insurance, food and travel and leisure industries, among others.

Bec routinely publishes and speaks on trade secret issues. She is co-editor and co-author of the treatise, *Trade Secret Litigation and Protection in California*, published by the State Bar of California, as well as its 2017 supplement on the Defend Trade Secrets Act (DTSA). She also contributed to an English language handbook on trade secret litigation in the United States created for the Ministry of Commerce of the People’s Republic of China.

Bec served from 2015-2016 on the Board of Directors for the Century City Chamber of Commerce. She also served as the 2004-2005 Chair of the Executive Committee of the Intellectual Property Section of the State Bar of California, and is former Chair of its Trade Secrets and Grants Subcommittees.

Honors

Recipient, Century City Chamber of Commerce’s Women of Achievement Award - Law, 2004

Experience

Representative Matters

Litigation

- Defending food distributor against claims for trade name infringement and receipt of unlawful secret rebates.

- Represented entertainment business in arbitration between its employee and their former employer which claimed the employee misappropriated its trade secret information for client's business. The matter settled favorably for our client and its employee.
- Obtained consent judgment for aerospace company in trade secret misappropriation, copyright infringement and trademark infringement case shortly after deposing the defendant.
- Defeated motion for preliminary injunction in dispute between foreign manufacturer of food products (client) and its former U.S. distributor. Later obtained summary judgment in client's favor on distributor's claims and client's counter-claims, and against distributor's owner on the ground that the distributor was the owner's alter ego.
- Obtained judgment for over \$160 million against an international reinsurance company following trial.
- Favorably settled copyright infringement dispute after persuading the Court to deny plaintiff's request to forego Hague Convention service on client, a foreign content producer of entertainment programming.
- Obtained favorable settlement and dismissals for well-known international clothing retailer in lawsuits alleging patent, trademark and copyright infringement.
- Obtained permanent injunction and favorable monetary settlement for beauty products distributor in trademark infringement litigation and related Trademark Trial and Appeal Board proceedings.
- Favorably settled during trial trade secret dispute brought by medical device manufacturer client against former distributor.
- Obtained favorable jury verdict for manufacturer and designer of fashion accessories in trade dress and copyright dispute.
- Obtained temporary restraining order, permanent injunction and monetary award against infringers of client's copyrights and trademarks of client.
- Obtained insurance coverage for food manufacturer client from loss arising from contaminated packets of ketchup by persuading arbitrator loss fell within "explosion" exception to coverage exclusions because ketchup packets had burst due to contamination.

Counseling and Miscellaneous Other Matters

- Advocated on behalf of clients to persuade government agencies not to release trade secret information to members of the public who requested access.
- Advised clients of potential measures they could implement to reduce the risk of misappropriation of trade secret information.
- Offered strategy recommendations to client to reduce likelihood that the other member of its failed joint venture would assert misappropriation claims against it.
- Proposed modifications to a client's standard NDA to better protect the client's trade secrets and to limit unwarranted misappropriation claims against the client.
- Advised client how to decrease the risk of misappropriation claims by a competitor in connection with the client's acquisition of a business that sold the competitor's products.
- Overhauled client's employee materials (form employee agreement, employee handbook) to improve the client's ability to enforce its trade secret rights.
- Guided client in its response to a competitor's claim that the client misappropriated the competitor's confidential information to obtain a customer's business.

- Advised on “best practices” to address concern that a misappropriation claim may be asserted (e.g., implement “clean room” and “reverse engineering” protocols).
- Counseled client on appropriate remediation and other potential responses to the discovery of a potential misappropriation incident (e.g., an employee brought over a former employer’s purported confidential materials).
- Advised client on potential claims under a patent sales agreement which provided for on-going royalty payments.
- Advised client how to respond to unwarranted royalty demands under IP license agreements.

Appeals

- Convinced Court of Appeal to issue writ ordering the trial court show why its order permitting service of process on client without Hague Convention compliance should not be vacated. Thereafter, the underlying dispute, which concerned perpetual license of certain television programs, settled.
- Obtained from Court of Appeal reversal of summary judgment order declaring trademark of client, distributor of products in the fashion/beauty industry, was generic. Settled case favorably for client thereafter.
- Convinced Court of Appeal to affirm judgment awarding real estate investor client over half million dollars in interest based on adversary’s wrongful refusal to return multi-million dollar escrow deposit after adversary terminated transaction.
- After receiving opening brief on petition of review of denial of asylum, government agreed to reopen asylum proceedings.
- Submitted amicus curiae briefs on behalf of public interest organizations in proceedings in California Supreme Court and U.S. Supreme Court arising from California Proposition 8 (defining marriage as between a man and a woman).

Articles

- Intellectual Property in the Cannabis Industry – Protecting Innovations and Products, Parts I and II
Cannabis Business Executive, 12.2019
- Ruling Makes it Easier to Block a Competitor's FOIA Access to Confidential Information
Daily Journal, 07.05.2019
- Do Not Give NDAs the Short Shrift
The Licensing Journal, 05.2019
- Access to a competitor's confidential information?
Daily Journal, 04.17.2019
- NDA Tips, Traps and Pitfalls: Best Practices Avoid Common Errors
The Recorder, 04.11.2018
- Federal DTSA Versus California UTSA
Potential Pros and Cons
California Business Law Practitioner, Vol.32, No. 2, Spring 2017

Co-Editor and Contributing Author of Treatise, “*Trade Secret Litigation and Protection in California*,” Intellectual Property Section of the State Bar of California, November 2014

"People Will Talk: Protecting Trade Secrets in the World of Social Media," *Corporate Counsel*, November 18, 2010

"Best Kept Secrets: Handling Confidential Employee Information," *Los Angeles Daily*

Government Contracts, Investigations & International Trade Blog Posts

- "OH SNAP! Supreme Court Rejects Substantial Competitive Harm Test For Key FOIA Exemption," June 26, 2019
- "OH SNAP! Supreme Court to Take on Meaning of Key FOIA Exemption," April 2, 2019

Intellectual Property Law Blog Posts

- "COVID-19 and Trade Secrets: Is Your Business Prepared to Protect its Trade Secrets While Your Employees Work From Home?" March 24, 2020
- "3 Steps in Furtherance of Avoiding Devastating Spoliation Sanctions in Trade Secret Misappropriation Litigation," December 5, 2019
- "Don't Spill Your Trade Secrets: Protecting Your Competitive Advantage in the Food and Beverage Industry (Part 2 of 2)," July 22, 2019
- "Don't Spill Your Trade Secrets: Protecting Your Competitive Advantage in the Food and Beverage Industry (Part 1 of 2)," July 17, 2019
- "A Cautionary Tale: Don't Wait Until There Is A Problem To Protect Your Trade Secrets," May 2, 2019
- "Do NOT Give NDAs the Short Shrift," April 5, 2019
- "UPDATE: The Federal Defend Trade Secrets Act vs. The California Uniform Trade Secrets Act," March 26, 2018
- "The Federal Defend Trade Secrets Act vs. The California Uniform Trade Secrets Act," July 21, 2016

Books

The Defend Trade Secrets Act Supplement to Trade Secret Litigation and Protection in California
2017

Trade Secret Litigation and Protection in California
11.2014

Media Mentions

Sheppard Mullin's Gross Revenue Growth Continues
The Recorder, 03.01.2017

Sheppard Mullin Nabs IP Pro Duo From Steptoe & Johnson
Law360, 06.02.2016

Speaking Engagements

"The Evolution of Entertainment: Timeless Content, New Media," 9th Annual Jewish Executive Leadership Conference, February 23, 2020

"Hot Topics in Trade Secret Litigation: the DTSA, Remedies, Anti-SLAPP, and Constitutional Issues," 43rd Annual IP Institute, California Lawyers Association, November 8, 2018

"Hot Topics in Trade Secret Law," State Bar of California, July 14, 2015

"Trade Secrets of Trade Secrets," 38th Annual IP Institute of the State Bar of California, November 7, 2013

"Litigating the Trade Secret Case," Bridgeport Continuing Education, May 17, 2013

Panelist, "Obtaining Injunctive Relief in Trade Secret Cases," 37th Annual IP Institute of the State Bar of California, November 8, 2012

"Why Every Lawyer Should Know More About Trade Secret Law," 36th Annual IP Institute of the State Bar of California, November 12, 2011

Events

ACC Southern California In House Counsel Conference
Choosing Between Patent And Trade Secret Protection: When, Why And How?
Universal Hilton, 01.23.2020

ACC-SFBA Patent Law Committee Meeting
Choosing Between Patent and Trade Secret Protection: When, Why and How
Palo Alto, 12.11.2019

ACC-SFBA Patent Law Committee Meeting Sponsored
Choosing Between Patent and Trade Secret Protection: When, Why and How
Sheppard Mullin San Francisco, 12.10.2019

Memberships

Member, Board of Directors, Century City Chamber of Commerce, 2015-2016

Member, Federation of Defense and Corporate Counsel, 2005-2009 (served as Vice Chair of Intellectual Property Section and Member of Diversity Committee)

Chair, Executive Committee, Intellectual Property Section of the State Bar of California, 2004-2005

Practices

Intellectual Property

Copyrights

False Advertising, Lanham Act and Unfair Competition

IP Licensing, Technology and Commercial Transactions

Trade Secrets

Trademarks and Trade Dress

Litigation

International Reach

Korea

China

Industries

Aerospace and Defense

Automotive

Aviation

Cannabis

Entertainment and Digital Media

Fashion, Apparel and Beauty

Food and Beverage

Retail

Transportation

Education

J.D., University of California - Los Angeles, 1990

B.A., University of Pennsylvania, 1983

Admissions

California

U. S. Supreme Court

U.S. District Court for the Northern, Eastern, Central and Southern Districts of California

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Western District of Wisconsin