Buchalter

Dylan W. Wiseman

Sacramento, California
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Shareholder

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Areas of Practice & Industry Specialties
Trade Secrets & Employee Mobility; Intellectual Property Law; Litigation; Labor & Employment; Privacy & Data Security Law; Internet Law, E-Commerce & Social Media; Technology

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For 28 years, Mr. Wiseman has practiced exclusively in the fields of trade secrets, unfair competition, and employee mobility. Mr. Wiseman is the Co-Chair of Buchalter's Trade Secret and Employee Mobility Practice Group.

Since 2021, Dylan has been recognized by the *Daily Journal*, California's legal industry newspaper, as among the Top Trade Secrets Lawyers in California. He is nationally recognized by London-based IAM (Intellectual Asset Management) for trade secret litigation. In 2023, IAM tapped Mr. Wiseman as its exclusive commentator on trade secrets law for the United States.

Mr. Wiseman represents businesses, on both the plaintiff and defense side in disputes involving:

- Trade secrets
- Unfair competition
- Employee mobility and en masse departures
- Antitrust claims
- Disputes involving customer non-solicitation restrictions

He also counsels employers and start-ups regarding best practices for intellectual property.

Mr. Wiseman's diverse group of clients include:

- Insurance brokerages
- Venture capital, private equity, and investment banking firms
- Aerospace companies
- Mortgage banking firms
- Biomedical device companies
- Inventors
- Professional service firms
- Life sciences companies
- Renewable and sustainable energy companies
- Casinos

- Healthcare companies
- Sporting goods companies
- Media outlets
- Commercial banks

Mr. Wiseman has extensive jury trial experience. He has been lead trial counsel in several complex designated unfair competition jury trials, including an eight-week jury trial. Mr. Wiseman also has substantial first-chair experience in complex arbitrations.

Because of his trial experience, the California Lawyers Association asked Mr. Wiseman to be the sole author of the chapter on jury instructions in the treatise *Trade Secret Litigation & Protection: A Practice Guide to the DTSA and CUTSA* (4th Ed. 2021). Mr. Wiseman's chapter provides a comprehensive critique of the CACI 4400 series jury instructions used for trade secret claims.

Similarly recognizing Mr. Wiseman's two decades of trade secrets trial verdicts, he is a co-author of the Template Civil Jury Instructions Under the Defend Trade Secrets Act, which was published in 2021 in the *Intellectual Property & Technology Law Journal*. In 2023, Mr. Wiseman joined The Sedona Conference – Working Group 12 (Trade Secrets), which is developing a set of pattern jury instructions for the federal Defend Trade Secrets Act.

Appearing in state and federal courts, Mr. Wiseman has extensive experience litigating disputes under:

- The Uniform Trade Secrets Act
- The Defend Trade Secrets Act
- The Sherman Antitrust Act
- The Computer Fraud and Abuse Act
- California's Unfair Competition Law, Business and Professions Code, section 17200
- California's Business & Professions Code sections 16600 and 16601
- California's intellectual property assignment provisions
- California Penal Code section 502
- California's employee duty loyalty provisions

On multiple occasions, Mr. Wiseman has taught continuing education seminars regarding trade secrets and unfair competition litigation for the State Bar of California's Labor and Employment Law Section. An award-winning lecturer, he has also taught continuing legal education seminars regarding intellectual property protection, social media and confidentiality, computer forensics, and eDiscovery.

In 2017, Mr. Wiseman opened the Sacramento office after working for a year to plan, organize, and recruit the other Sacramento attorneys. The Sacramento office now has over 40 resident lawyers.

Prior to joining Buchalter, Mr. Wiseman was a Shareholder for ten years at Littler Mendelson, the world's largest labor and employment law firm.

Publications

- Trade secrets – policy and latest developments, March 11, 2024
- Badges of Bad Faith in Trade Secret Litigation, *Daily Journal*, October 25, 2023
- Trade Secret Litigation and Protection: A Practice Guide to the DTSA and CUTSA, *California Lawyers Association*, May 4, 2022
- Template Civil Jury Instructions Under the Defend Trade Secrets Act, *Intellectual Property & Technology*

Law Journal , July 6, 2021

- California Employers Should Modify the Definition of 'Confidential Information' to Avoid Operating as a Covenant Not to Compete, *The Recorder*, December 4, 2020
- California Supreme Court Clarifies Bounds of Legitimate Competition Under Tort and Antitrust Law, *National Law Review*, September 11, 2020
- California Supreme Court to Rule on Non-Competes Between Businesses and Interference Claims, *The Recorder*, May 15, 2020
- Republic FC's Major League Soccer Expansion: What Does It Really Mean for Sacramento?, *Sacramento Lawyer Magazine*, February 11, 2020
- California Plaintiffs May Prefer State Court For Trade Secret Claims, *Law360*, December 9, 2019
- A Patent For A Formula Does Not Destroy Trade Secret Status So Long As The Patent Does Not Disclose The “Process” For Applying The Trade Secret, *Buchalter Client Alert*, December 2, 2019
- High Court Expands Protection on 'Confidential' Information Under Exemption 4 of FOIA, *The Recorder*, August 19, 2019
- California, Washington and Oregon agree UTSA applies to memory, *Los Angeles Daily Journal*, July 26, 2019
- Viewpoint: A Road Map to Hiring Employees from Direct Competitors in California, *SHRM*, June 20, 2019
- An Introduction to California Trade Secrets Law, *Findlaw*, May 21, 2019
- A Recent Ruling About the “Willful and Malicious” Standard for Plaintiff’s Recovering Attorneys’ Fees Under the California Uniform Trade Secrets Act, *Buchalter Client Alert*, March 27, 2019
- Employee Nonsolicitation Terms Now Likely Void In California, *Law360*, November 13, 2018
- Fees for bad faith in DTSA lawsuit, November 5, 2018
- Nine Ways to Upgrade Calif. Employee Confidentiality Agreement, *Law360*, May 30, 2018
- Biz Smarts: The legal hazards of your new sales hire's old customer relationships, May 3, 2018
- 10 Ways to Improve Your Company's Odds in a Trade Secret Litigation Dispute, *Corporate Counsel*, June 19, 2017
- Winds of Change: the NLRB Challenges Confidentiality Agreements and The Obama Administration’s “Call to Action” to Prohibit Non-Compete Agreements, *Buchalter Client Alert*, November 8, 2016
- New Labor Code Section Prevents Employers from Using Out-of-State Choice of Laws Provisions in Contracts with California Employees, *Buchalter Nemer Client Alert*, October 12, 2016
- Steps Every Startup Should Take to Protect its Intellectual Property, March 1, 2016
- Anti-Money Laundering and Bank Secrecy Act: Are You in Compliance?, *Buchalter Nemer Point & Authorities*, February 10, 2016
- Protecting Confidential Information and Trade Secrets in a Tech Accelerator or Incubator, *Buchalter Nemer Technology Industry Newsletter*, January 2016
- Trade Secrets Cases Center on Cloud, *The Recorder*, September 23, 2013
- Dylan Wiseman Urges Employers to Use Highly Sophisticated Data Security Solutions, *Quest Technology Management for Business*, January 29, 2008

Presentations

- Presenter, "California Non-Complete Laws," ACC Sacramento Chapter, March 14, 2024
- Presenter, "An Overview of the DTSA," IAM LIVE Trade Secrets Strategy USA, November 2, 2023
- Presenter, "Dylan Wiseman Hosting a Roundtable at Centerforce IP Strategy Conference," Centerforce

IP Strategy Conference, October 25, 2023

- Panelist, "Model Jury Instructions Under the Defend Trade Secrets Act," The Sedona Conference Working Group 12 Annual Meeting 2023, September 11, 2023
- Speaker, "Updates on 2021 New Labor Laws," El Dorado Hills Chamber of Commerce, March 3, 2021
- Presenter, "Protecting Your Agency’s Trade Secrets," United Valley Insurance Services Webinar , July 15, 2020
- Speaker, "Everything You Wanted to Know About Trade Secret Litigation (But Didn’t Want to Spend a Year in Expensive Litigation to Learn)," Independent Insurance Agents and Brokers of Orange County , May 9, 2019
- Speaker, "Buchalter Hosting New Year's Resolutions for California Employers," 655 West Broadway, 1st Floor, San Diego, CA 92101, December 11, 2018
- Presenter, "Buchalter Presents: StartUp Financing Bootcamp," November 29, 2018
- Speaker, "Dylan Wiseman, Speaker at Public Works & Contracting Fall 2018 Study Section Conference," Public Works & Contracting Fall 2018 Study Section Conference, October 18, 2018
- Speaker, "Thefts of Trade Secrets through Departing Employees," Women in eDiscovery, June 20, 2018
- Panelist, "Cyber and Data Security for the GC: How to Stay out of Headlines and Crosshairs," 2017 ING3NIOUS SoCal Information Governance Retreat, October 29, 2017
- Speaker, "Los Angeles Inns Court," April 5, 2017
- Speaker, "Speaker, Dylan Wiseman, "Tips and Tricks for IP Practitioners"," JW Marriott Santa Monica Le Merigot, 1740 Ocean Ave. Santa Monica, CA 90401, January 24, 2017
- Speaker, "Protecting Your 'Intangible' Assets, Part 2: Confidential Information and Trade Secrets," LA Law Library, September 27, 2016
- Speaker, "Protecting Your “Intangible” Assets, Part 2: Confidential Information and Trade Secrets," LA Law Library Business Series , April 12, 2016
- Speaker, "California Covenants Not to Compete, Trade Secrets, and Unfair Competition," Rocket Space, January 20, 2016
- Speaker, "New 2015-2016 Employment Laws for California's Private Sector Employers," El Dorado Hills Chamber of Commerce's Business Connects Luncheon in El Dorado Hills, January 6, 2016
- Speaker, "BYOD Devices and Workplace Privacy," Association of Corporate Counsel in San Francisco, CA., September 25, 2015
- Speaker, "California Restrictive Covenants and Trade Secrets," Los Angeles County Law Library in Los Angeles, CA, April 1, 2015
- Speaker, "Working Remotely and the Risks to Confidential Information," San Francisco, CA, September 18, 2014
- Speaker, "Goodbye is Forever – or Is It? Planning for Departure, Getting Clear Title to Your Social Media Assets and Other Ways of Protecting Your Confidential Information," San Francisco, CA, April 10, 2013
- Speaker, "Professional Responsibility in Non-Competition, Trade Secret, and Related Claims," Los Angeles, CA, November 7, 2012
- Speaker, "Current Issues in Trade Secret Litigation," State Bar of California in Los Angeles, CA , June 14, 2012
- Speaker, "Current Issues in Trade Secret Litigation," The State Bar of California in San Francisco, CA, May 17, 2012
- Speaker, "On the Cutting Edge: Trade Secret Customer Lists & Social Media and Privacy in the Workspace," Scottsdale, AZ, May 10, 2012
- Speaker, "The Latest in Employee and Technology Issues: Social Media and Workplace Confidentiality,"

Ohio Management Lawyers Association in Columbus, OH, April 18, 2012

- Speaker, "Protecting Your Customer List in an Era of LinkedIn and Facebook," November 10, 2011
- Speaker, "Will Your Company's HR, IT, and Legal Protections Withstand a Rigorous Challenge?," Palo Alto, CA, September 29, 2010
- Speaker, "Trade Secrets, Non-Competes, Interference & Duty of Loyalty: Basics & Recent Law," State Bar of California in San Jose, CA, April 15, 2010
- Speaker, "The New Formula for Success: E3 = mc (Employees*Economy*Energy = Managing Costs)," August 14, 2008
- Speaker, "Does My Business Have Confidential Information or Trade Secrets, and Am I Doing Enough to Protect Them?," El Dorado Hills, CA, February 7, 2007

Webinars

- "Buchalter Webinar: Non-Compete Laws In the Workplace: Major Changes For California and the U.S. in 2024," January 30, 2024
- "Webinar: Theft of Trade Secrets – Forensics Best Practices," September 5, 2018
- "Webinar: Updates on Cannabis Regulations, Laws and How to Protect Your Blends, Strains, Recipes and Customer List," April 20, 2017

Education
Mr. Wiseman graduated with *honors* from the University of California, Davis. He earned his J.D. from Santa Clara University School of Law.

Bar Admissions

- California

Court Admissions

- Supreme Court of the United States
- U.S. Court of Appeals, 9th Circuit
- U.S. District Court, Northern District of California
- U.S. District Court, Eastern District of California
- U.S. District Court, Central District of California
- U.S. District Court, Southern District of California

Community

- International Association of Privacy Professionals
- Sacramento County Bar Association
- Bar Association of San Francisco
- The Sedona Conference, Trade Secrets – Working Group 12