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TOP TRADE SECRETS Lawyers



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lated to Unisys's digital workplace solutions business. This case involves claims under the Defend Trade Secrets Act (DTSA) and the Pennsylvania Uniform Trade Secrets Act (PUTSA), as well as allegations of tortious interference with contract. The case raises questions of vicarious liability under both the DTSA and PUTSA. *Unisys Corporation v. Gilbert, et al*, 2:23-cv-00555 (E.D. Penn., filed Feb. 13, 2023).

Another significant case Luskey is involved with is *Novation Solutions, Inc. (O/A DealMaker) v. Issuance, Inc. et al.* in the Central District of California. In this case, he represents DealMaker, a Canadian fintech company, as the plaintiff in a trade secrets lawsuit against Crush Capital, its affiliate Issuance Inc., and Darren Marble, the former CEO and CFO of Crush Capital. DealMaker alleges that the defendants proposed a business partnership under false pretenses to access DealMaker's proprietary technology and data. The case seeks compensatory and punitive damages, as well as injunctive relief.

"While both matters have been hard fought, the sheer volume of back-and-forth filings and the pace of developments in the Atos case have certainly kept us on our toes. Just to give you an idea, there have been about 400 filings on the docket since Unisys first brought its case just eight months ago, so we're fighting tooth and nail to give our client every possible advantage," Luskey said.

In terms of trends in the trade secrets field, Luskey said, "Trade secrets is a fast-evolving and incredibly interesting area to follow. We're eagerly watching for the trade secrets fallout of the current mass proliferation of generative AI technology. There are concerns around AI-related data leaks of business secrets fed into generative AI programs, as well as about the ways in which disclosing such information to a generative AI program could undermine efforts to legally safeguard trade secrets. I expect we'll also continue to see fallout from the widespread shift to remote work environments, which has created many more opportunities for the employee misuse of confidential information."

Luskey is actively involved in efforts to diversify the legal profession and serves on the Advisory Board of the Bay Area Urban Debate League (BAUDL). This organization aims to bring policy debate to inner-city schools in the Bay Area, helping students develop critical thinking, research, persuasive speaking, and argumentation skills.

Before his current role, Luskey served as federal prosecutor in the U.S. Attorney's Office for the Northern District of California, where he handled complex government investigations and prosecuted various criminal cases, including health care fraud, mail/wire fraud, money laundering, RICO and trade secrets misappropriation cases.

Randy Luskey is known for being a go-to trade secrets counsel for major corporations and their executives, both in the Bay Area and nationwide. His work spans the defense and plaintiffs' side of trade secrets cases.

One of the cases he is currently involved with is representing multinational IT services company Atos SE and its subsidiary, Atos IT Solutions and Services, in a dispute brought by competitor Unisys Corporation. Unisys alleges that Atos misappropriated trade secrets re-