

# Fisher Broyles

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**Practice Areas:** Antitrust Counseling; Cyber-Risk; Privacy & Data Security; Intellectual Property; International; Internet E-Commerce; Litigation – Appellate; Litigation – Civil Pretrial and Trial Services; Litigation - Intellectual Property; Litigation & Risk Management

**Bar Admissions:** Illinois; Ohio; U.S. Supreme Court; U.S. Court of Appeals, 6<sup>th</sup> Circuit; U.S. Court of Appeals, 7<sup>th</sup> Circuit; U.S. Court of Appeals, Fed. Circuit; U.S. District Court, N.D. Illinois; U.S. District Court, E.D. Wisconsin; U.S. District Court, N.D. Ohio; U.S. District Court, S.D. Ohio; U.S. District Court, N.D. California

**Education:** Northwestern University School of Law J.D., 1978, Article Editor, Journal of Criminal Law and Criminology; University of Cincinnati, B.A. Political Science, 1975, Summa Cum Laude, Phi Beta Kappa

**Experience:** Nixon Peabody LLP; Lovells LLP; Squire Sanders & Dempsey

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R. Mark Halligan is an accomplished trial lawyer who focuses his practice on intellectual property litigation in the United States and abroad. Mark is recognized worldwide as a leading practitioner in developing automated trade secret asset management blockchain systems. Mark is co-author of Trade Secret Asset Management 2018: A Guide to Information Asset Management including RICO and Blockchain. In 2018, Mark was selected by Corporate LiveWire as the 2018 Innovator of the Year for his co-invention of the new Trade Secret Examiner® software platform for trade secret asset management. Mark has taught Advanced Trade Secrets Law in the LLM program at UIC John Marshall Law School for the past 26 years. He is the lead author of the Defend Trade Secrets Act Handbook 3rd Edition just published by Wolters Kluwer. Recently Mark was selected by Best Lawyers as the 2021 Lawyer of the Year in Trade Secrets Law. Mark is a Past President of the Intellectual Property Law Association of Chicago (IPLAC) and the General Editor of the Intellectual Property Law Handbook 2021 published by the Illinois Continuing Legal Education Institute (IICLE). Mark has been inducted into the Legal 500 Hall of Fame for trade secret litigation. Managing Intellectual Property recognizes R. Mark Halligan as an "IP Star."

### Presentations & Teaching Experience

- R. Mark Halligan, Speaker, Annual Review of Trade Secrets Case Law, 2022 Trade Secret Law Summit, Intellectual Property Law Association of Chicago (IPLAC) (May 18, 2022).
- R. Mark Halligan, Speaker and Panelist on Inevitable Tension: Reconciling Public Access With Protecting Trade Secrets in Litigation at the 2022 Sedona Conference on Trade Secrets in Denver, Colorado (May 9-10, 2022)
- R. Mark Halligan, Panelist, Policy Interests in Protecting and Enforcing Trade Secrets at the Workshop on Trade Secret Protection and Enforcement organized by the USPTO Global Intellectual Property Academy and the Association of South East Asian Nations (ASEAN) (August 18-19, 2021).
- R. Mark Halligan, Faculty/Panelist, "Inevitable Tension: Reconciling Public Court Access with Protecting Trade Secrets in Litigation." The 2021 Sedona Conference Working Group 12 (WG12) on Developing Guidelines and Protecting Trade Secrets (June 21-22, 2021).
- Member, The Sedona Conference Working Group on Trade Secrets (WG12) : Principles for Managing Trade Secret Litigation (2018-2020).
- Speaker, The EEA/DTSA/RICO Widens the Scope of Civil Liability for Trade Secret Theft and Foreign Economic Espionage, Wisconsin IP Law Association (January 30, 2020)
- Speaker, "Seeking Remedies for Misappropriation of Trade Secrets", World Intellectual Property Organization (WIPO) Symposium on Trade Secrets and Innovation, Geneva, Switzerland (November 25-26, 2019)
- Panelist, 63rd Annual Intellectual Property Conference UIC John Marshall Law School, Developments in Trade Secret Law, (November 1, 2019)
- Speaker, Trending Issues in Trade Secrets, the United States Patent and Trademark Organization (USPTO), Alexandria, Virginia (September 19, 2019)
- Speaker/Panelist, ABA Landslide Webinar Series, ABA Section of Intellectual Property Law: Integrating Trade Secret and Patent Strategies for Coordinated Protection: Pitfalls and Opportunities, 1 pm-2:30 pm (August 20, 2019)
- Panelist/Speaker, Trade Secret vs. Patent Protection, 3rd Trade Secret Symposium, U.S. Patent and Trademark Office (USPTO), U.S. Department of Commerce, Alexandria, VA (June 19, 2019)
- Panelist/Speaker, "How to Integrate Trade Secret and Patent Strategies for Coordinated Protection: Pitfalls and Opportunities." American Bar Association Landslide Magazine CLE Webinar (June 10, 2019)

- Speaker, Defend Trade Secrets Act of 2016 and RICO: Expanded Third-Party Liability, Jurisdiction, Venue and Treble Damages, The 2009 Business Law Institute, co-sponsored by Minnesota CLE and MSBA Business Law Section, Minnesota CLE Conference Center, St. Paul, MN (May 6, 2019)
- Speaker, Trade Secrets and RICO: Expanded Third Party Liability, Strafford Live Webinar 1:00 pm -2:30 pm EDT (April 3, 2019)
- Moderator/Speaker, Workshop WB102, Blockchain Bootcamp: User Cases and Applications of Blockchain in Legal Services, Legalweek, New York Hilton Midtown (January 28, 2019)
- Panelist, Governance and Management of Information Security and Trade Secrets [Panel 3, Drafting Team 5), The Sedona Inaugural WG12 Meeting, Los Angeles, California (November 5-6, 2018)
- Guest Lecturer, The Law of Trade Secrets and Recent Developments in Trade Secrets Law, Professor Daryl Lim's Patent Law Class, John Marshall Law School, Chicago, Illinois (October 9, 2018)
- Speaker, The Defend Trade Secrets Act and Other Trade Secret Issues in the Employment Context, 41st Annual Employment and Labor Law Seminar, Defense Research Institute (DRI), Loews Chicago Hotel (May 17, 2018)
- Speaker, "Trade Secret Theft Is Now A "Predicate Act": The DTSA's Little-Known RICO Expansion", The Defend Trade Secrets Act: Practical Lessons and Strategic Tips, Wolters Kluwer Webinar (May 16, 2018)
- Speaker, The Defend Trade Secrets Act of 2016—Was it Worth It?, Trade Secret Law Summit, American Intellectual Property Law Association (AIPLA), San Diego, California (March 1-2, 2018)
- Speaker/Panelist, Plenary Session III, Current Developments in Patent, Trade Secret and Antitrust Law, The 61st Annual Intellectual Property Law Conference, John Marshall Law School, Chicago, Illinois (November 3, 2017)
- Speaker/Panelist, Trade Secrets: What Can an Organization Do To Address the Elephant in the Facility? Licensing Executives Society Annual Meeting, Chicago, Illinois (October 23, 2017)
- Speaker/Panelist, Case Study--Amsted Industries: Enforcing Intellectual Property Rights through Section 337 of the U.S. Trade International Commission. China IP Road Show and the United States Patent and Trademark Office, John Marshall Law School Chicago, Illinois (October 20, 2017)

- Speaker/Moderator, Interactive Roundtable Discussion, "Taming the Beast: Automated Trade Secret Asset Management." Marcus Evans, IP Law Summit, Hollywood, Florida (September 24-26, 2017)
- Panelist/Speaker, The Cloud, New Technologies and Other Developments in Trade Secret Theft, 2017 Northern California (NorCal) E-Discovery and Information Governance Retreat, Carmel by the Sea, California (September 18, 2017)
- Speaker, RICO and The Defend Trade Secret Act of 2016: Widening the Scope of Liability for Trade Secret Theft. West Legal Center. Live Webcast (September 14, 2017)
- Participant, (United States) Virtual Round Table: Intellectual Property (2017)
- Speaker, American Bar Association: Fundamentals of Today's Trade Secret Litigation: The DTSA, Section 337 at the ITC, and More Webinar 1:00-2:30 pm EST (July 18, 2017)
- Speaker, CEEM: Best Practices for Sharing Highly Confidential Information, Licensing Executives Society (U.S.A. and Canada), Inc. Chicago, Illinois (July 13, 2017)
- Speaker, Recent Developments in DTSA Damages and Injunctions, Intellectual Property Owners Association (IPO), 2017 Damages & Injunctions Committee Conference, Hyatt Regency Hotel, Chicago, IL (June 7, 2017)
- Speaker, Recent Developments in Trade Secret Law: Mid-Year Review, American Intellectual Property Law Association (AIPLA), San Diego, California (May 19, 2017)
- Speaker, Protection of U.S. Trade Secret Assets: Critical Amendments to the Economic Espionage Act, Licensing Executives Society, University Club of Milwaukee (May 3, 2017)
- Speaker, Protection of U.S. Trade Secret Assets: Update on the Defend Trade Secrets Act, Licensing Executives Society, Dewitt Ross & Stevens, Madison Wisconsin (April 27, 2017)
- Speaker, Social Media, Privacy and Trade Secrets, 2017 Annual Conference, Association of Legal Administrators (ALA) Denver, Colorado (April 5, 2017)
- Speaker, Implementing and Interpreting the Defend Trade Secrets Act, University of Missouri School of Law (March 10, 2017)
- Speaker, AIPLA 2017 Trade Secret Law Summit, Emory University, Atlanta, GA (March 2-3, 2017)
- Speaker, Trade Secrets and Patents: A Comprehensive Approach to Protecting Intellectual Property, Strafford CLE Webinar (February 16, 2017)
- Speaker, The National Business Institute (January 30, 2017)
- Professor, Adjunct Faculty, Advanced Trade Secrets Law, L.L.M. Program in Intellectual Property Law, John Marshall Law School (1995-2016)

- Speaker, Trade Secrets: What IP Investors Need to Know. IP Dealmakers Forum 2016 New York City (November 17-18, 2016)
- Speaker, Trade Secrets: What Every Attorney Should Know. Practising Law Institute (PLI) New York, NY (November 1, 2016)
- Speaker, Intellectual Property: Defend Trade Secrets Act of 2016 Video Presentation (September 26, 2016).
- Speaker, Strategies for Understanding and Litigating a DTSA Cause of Action, Webinar on BrightTalk.com Chicago, Illinois (September 29, 2016).
- Speaker, The Defend Trade Secrets Act: Trade Secret Asset Management, Intellectual Property Owners Association (IPO) Trade Secrets Committee (August 2, 2016).
- Speaker, The Defend Trade Secrets Act of 2016: Trade Secret Asset Management, the Intellectual Property Law Association of Chicago (IPLAC), 26th Annual Trade Secrets Seminar, John Marshall Law School (June 23, 2016).
- Panelist/Speaker, Recent Developments in Trade Secret Law (Live Webinar), Iowa State Bar Association (June 7, 2016).
- Speaker, Recent Developments in Trade Secrets Law, Plenary Session, AIPLA Spring Meeting, Minneapolis, MN (May 20, 2016)
- Panelist/Speaker, "Federal Defend Trade Secrets Act: New Options and Strategies for Trade Secret Litigation," American Bar Association (ABA) Section of Litigation, Chicago, Illinois (April 14, 2016)
- Speaker, Practical Guidelines for Data Security & the Protection of Confidential Information, DuPage County Bar Association (DCBA), Wheaton, IL (March 11, 2016)
- Speaker, The Identification, Classification, Protection and Valuation of Trade Secret Assets, IQBC, Global IP Exchange Radisson Blu, Hamburg, Germany (March 7-9, 2016)
- Speaker, Recent Developments in Trade Secrets Law, 60th Annual Conference on Developments in Trade Secrets Law, John Marshall Law School, Chicago, Illinois (February 26, 2016)
- The Passage of the Defend Trade Secrets Act Will Be a Watershed Event in Trade Secret Law, Legal Solutions Blog (February 8, 2016).
- Panelist, Trade Secrets—A Primer for Practitioners. Federal Circuit Bar Association: Corporate Counsel Committee (December 4, 2015)
- Moderator, Hot Issues in Intellectual Property Litigation, AIPLA 2015 Trade Secret Summit, Boston, MA (November 12-13, 2015).

- Program co-chair and presenter, Patents versus Trade Secrets: The New Calculus in Light of Recent AIA Legislation and Decisions of the U.S. Supreme Court, Law Seminars International seminar on Protecting And Optimizing The Value Of Trade Secrets In The 21st Century. (November 2015)
- Presenter, Trade Secret Protection, Cyberespionage, and Information Security - New Threats, New Policies and Operations, West LegalEdcenter (October 2015)
- Speaker/Panelist, "Trade Secrets and Cybersecurity: Protecting Intellectual Property, Mitigating Loss and Navigating Legal Responses," Strafford Live CLE Seminars (September 2015)
- Author, Revisited 2015: Protection Of U.S. Trade Secret Assets: Critical Amendments To The Economic Espionage Act Of 1996, lead article in the John Marshall Review Of Intellectual Property Law, 14 J. MARSHALL REV. INTELL. PROP. L. 656 (2015)
- Speaker/Panelist, "Trade Secrets & Data Breaches: What to Do When Your Client Gets Hacked," ABA Annual Meeting, Section of Intellectual Property Law, Chicago, Illinois (July 30, 2015)
- Speaker, Best Practices for Protecting Trade Secrets in the New Economy, Law Seminars International (LSI), The Gleacher Center (June 18, 2015)
- Speaker/Panelist, Trade Secret vs. Patent Protection After AIA: Making the Choice, Strafford Live CLE Seminars (June 11, 2015)
- Speaker, Computer Law, Intellectual Property, and Privacy (CLIPP) Advisory Council Dinner, Recent Developments in Trade Secret Law: New Federal Legislation & International Developments, Wolters Kluwer, Westin Chicago North Shore Hotel, Wheeling, Illinois (May 31, 2015)
- Speaker/Panelist, "Intersection of Patents and Trade Secrets," USPTO Symposium on Trade Secret Protection, United States Patent and Trademark Office—Global Intellectual Property Academy (GIPA), Alexandria, Virginia (January 8, 2015).
- Speaker/Panelist, Effectiveness and Value of Trade Secret Protection in Foreign Jurisdictions and Barriers to Protection, USPTO Symposium on Trade Secret Protection, United States Patent and Trademark Office—Global Intellectual Property Academy (GIPA), Alexandria, Virginia (January 8, 2015).
- Speaker, Should Trade Secrets Law be Federalized? A Debate on the Need for a Federal Civil Remedy and Its Interplay with the Uniform Trade Secrets Act, AIPLA Trade Secrets Summit, Intel Corporation, Silicon Valley, California (December 4-5, 2014).

- Speaker, Recent Developments in Trade Secret Law, the American Intellectual Property Law (AIPLA) Annual Meeting, Marriott Wardman Park Hotel, Washington D.C. (October 25, 2014)
- Speaker, Trade Secrets: The New Best Choice for IP Protection? American Intellectual Property Law Association (AIPLA) Webinar (October 1, 2014)
- Speaker, Protecting Trade Secrets in Asia and the United States: Challenges, Opportunities and Future Directions—An International Conference, John Marshall Law School, Chicago (September 18, 2014)
- Speaker, Current Developments in Trade Secret Law, Association of Corporate Patent Counsel (ACPC) , Chicago Conrad Hotel (June 24, 2014)
- Speaker, Intellectual Property Supreme Court Review panel: Alice Corp. v. CLS Bank case, American Intellectual Property Law Association (AIPLA) Electronic and Computer Law Committee (ECLC), Chicago Kent Law School (June 17, 2014)
- Moderator/Panelist, Trade Secret Management and Monetization Conference, The Rembrandt Hotel, London UK (June 14-15, 2014)
- Speaker, Trade Secret and Patent Protection After AIA: Making the Choice, Strafford Live CLE Seminar, Chicago, Illinois (March 26, 2014).
- Speaker, Intellectual Property Rights in Licensing; 5 Keys for Negotiating Business Contracts, Illinois Institute for Continuing Legal Education (ILCLE), Palatine, Illinois (March 21, 2014).
- Speaker, Trade Secret Trends Impacting the Insurance Industry, Nixon Peabody LLP Webinar, Nixon Peabody LLP Webinar, Chicago, Illinois and San Francisco, California (March 18, 2014).
- Speaker, Your Most Valuable IP Assets Could Be Secret: Maximizing the Value of Trade Secrets in 2014, Stout Risius Ross, Inc./Nixon Peabody LLP Webinar Chicago, Illinois (March 11, 2014).
- Speaker, Recent Developments in Trade Secrets Law, 58th Annual Conference on Developments in Trade Secrets Law, John Marshall Law School, Chicago, Illinois (February 28, 2014).
- Moderator/Speaker, Best Practices for Protecting Trade Secrets: Telebriefing with Daniel P. Westman and Victoria A. Cundiff, Law Seminars International (February 6, 2014)
- Speaker, The 2014 IPLAC 24th Annual Trade Secrets Seminar, The John Marshall Law School, “Recent Developments in Trade Secrets Law” (January 16, 2014).

## Amicus Briefs

- Counsel of Record for Amici Curiae Association Internationale pour la Protection De La Propriété Intellectuelle (AIPPI) and International Association for the Protection of Intellectual Property (AIPPI-US), *Alice Corporation Pty., Ltd. v. CLS Bank International and CLS Services Ltd.*, Supreme Court of the United States, Case No. 13-298 (2014).
- Counsel of Record for Amici Curiae Association Internationale pour la Protection De La Propriété Intellectuelle (AIPPI) and International Association for the Protection of Intellectual Property (AIPPI-US), *Bilski v. Doll*, Supreme Court of the United States, Case No. 08-964 (2009-2010).

### Selected Appointments and Publications

- R. Mark Halligan, *The Ex Parte Seizure Order in Trade Secrets: Then and Now* (February 1, 2022)
- R. Mark Halligan, *Identifying Trade Secrets in Litigation, But When?* (December 21, 2021).
- R. Mark Halligan has been selected for the 2021 Irish Legal 100—a listing of leading Irish lawyers across the United States.
- R. Mark Halligan, *Trade Secrets and the Inevitable Disclosure Doctrine* Reuters (November 9, 2021)
- R. Mark Halligan, *Trade secret metadata and blockchain evidence: a perfect combination* Reuters (September 28, 2021)
- R. Mark Halligan selected by peers in the 28<sup>th</sup> Edition of *The Best Lawyers in America* for his work in Litigation—Intellectual Property and Trade Secrets Law.
- R. Mark Halligan: *Pre-filing investigation of a trade secret misappropriation claim: the EONA proofs*, Reuters (August 17, 2021)
- R. Mark Halligan, *The Current Trade Secret Conundrum: The Cart Before the Horse*, Reuters (July 6, 2021)
- R. Mark Halligan is a Contributing Editor to *The Sedona Commentary on Protecting Trade Secrets in Litigation About Them*, a Project of The Sedona Conference Working Group (WG12) on Trade Secrets. <https://www.thesedonaconference.org/tsc2021tradesecrets>
- R. Mark Halligan is a Ranked Lawyer in the 2021 Chambers USA Guide Rankings for Intellectual Property: Trademark, Copyright and Trade Secrets in Illinois and the USA.



- R. Mark Halligan is the General Editor of the Intellectual Property Law Handbook 2021 Edition published by the Illinois Institute for Continuing Legal Education now available on-line as an E-book and a Handbook. <https://www.iicle.com/21ipl>
- R. Mark Halligan has been ranked as a 2021 IP Star in patents and trademarks by Managing Intellectual Property in both Illinois and in the United States. <https://www.ipstars.com/Lawyer/R-Mark-Halligan/Profile/70726#profile>
- R Mark Halligan is Lead Author of The Defend Trade Secrets Act Handbook Third Edition. <https://rus.wolterskluwer.com/store/product/defend-trade-secrets-act-handbook-third-edition/>
- R. Mark Halligan is the bi-monthly column contributor for Trade Secrets in the Decisions in Brief published in the LANDSLIDE magazine by the American Bar Association Intellectual Property Section. See [https://www.americanbar.org/groups/intellectual\\_property\\_law/publications/landslide/2020-21/september-october/decisions-brief/](https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2020-21/september-october/decisions-brief/)
- R. Mark Halligan, ranked as an IP Star for Illinois in the 2020/21 edition for patent litigation and trademark litigation by Managing Intellectual Property (MIP).
- R Mark Halligan, Trade Secrets: US China Economic and Trade Agreement 2020 (Linkedin January 23, 2020).
- R. Mark Halligan selected by peers for inclusion in the 26<sup>th</sup> Edition of The Best Lawyers in America for work in Litigation - Intellectual Property and Trade Secrets Law.
- R. Mark Halligan, The Next Revolution in Intellectual Property Law--Automated Trade Secret Asset Management, Volume 11, LANDSLIDE Magazine, no.5, American Bar Association (ABA) Section of Intellectual Property Law (May/June 2019)
- R. Mark Halligan Ranked in Chambers 2019 for the 11th Year in a Row (2008-2019)
- R. Mark Halligan, Author/Contributor: Intellectual Property Due Diligence in Corporate Transactions: Investment, Risk Assessment and Management by L.M. Brownlee, published by Thompson Reuters (2019 Edition)
- R. Mark Halligan, Partner, FisherBroyles, LLP, Chapter Coordinator and Lead Drafter, International Chamber of Commerce (ICC): Protecting Trade Secrets-Recent EU and US Reforms (2019)
- 2019 Judicial AV Preeminent® Rating
- R. Mark Halligan and James T. Berger, Trademark Surveys: A Litigator's Guide, Third Edition, (2019)
- R. Mark Halligan authored 2019 Expert Witness Guide, Corporate LiveWire

- Received AV Preeminent® Rating in both Legal Ability and Ethical Standards, Martindale Hubbell (2019)
- R. Mark Halligan and Richard F. Weyand, Cybersecurity, Trade Secret Asset Management and the Defend Trade Secrets Act of 2016. (Linkedin Pulse July 21, 2018).
- Recognized as “IP Star” by Managing Intellectual Property (2018)
- R. Mark Halligan and Richard F. Weyand, Trade Secret Asset Management 2018: A Guide to Information Asset Management Including RICO and Blockchain ISBN-10: 0997070986 (2018)
- R. Mark Halligan, ICC Task Force on Trade Secret Litigation, Drafting Group: Enforcement of Trade Secrets and Remedies (November 2, 2017)
- R. Mark Halligan, ABA, Section of Antitrust Law, Competition Torts News, “The EEA/DTSA/RICO Widens the Scope of Civil Liability for Trade Secret Theft and Foreign Economic Espionage” (Summer 2017)
- R. Mark Halligan, Trade Secrets 2.0: The Defend Trade Secrets Act of 2016, ASIS International, Security Management Magazine, Volume 61, Number 2 (February 2017)
- R. Mark Halligan, et al. Defend Trade Secrets Act (DTSA) Handbook, Wolter Kluwers ISBN: 9781454883500 (September 2016)
- R. Mark Halligan and Richard F. Weyand, Trade Secret Asset Management 2016: A Guide to Information Asset Management Including the Defend Trade Secrets Act of 2016 ISBN-10: 0997070900 (2016)
- Chambers USA: America’s Leading Lawyers for Business for Intellectual Property (2008-2016)
- Legal 500 United States, Leading Lawyer in Trade Secrets Litigation (2008-2016)
- Managing Intellectual Property: IP Star Illinois (2013-2016)
- The Best Lawyers in America Litigation — Intellectual Property (2012-2016)
- Illinois Super Lawyers (2005-2017)
- Emeritus Master, The Richard Linn American Inn of Court (2007-2016)
- R. Mark Halligan, AIPPI Chair Q247 (Plenary Session) October 13, 2015 “Trade Secrets: Overlap With Restraint of Trade, Aspects of Enforcement.” (Rio de Janeiro, Brazil).
- Revisited 2015: Protection of U.S. Trade Secret Assets: Critical Amendments to the Economic Espionage Act of 1996, 14 J. Marshall Rev. Intell. Prop. L. 476 (2015)
- Reflections On The Goldman IP Theft Saga, Law360, New York (July 17, 2015)
- General Editor, R. Mark Halligan, Esq.: Intellectual Property Law Handbook, 2013 Edition, Illinois Institute For Continuing Legal Education (IICLE) (2005-2013)

- IAM Strategy 300 — The World's Leading IP Strategists (2012-2013)
- IAM Strategy 250 — The World's Leading IP Strategists (2009-2011)
- James T. Berger and R. Mark Halligan, Trademark Surveys: A Litigator's Guide, Matthew Bender (2nd Ed. 2015)
- R. Mark Halligan and Richard F. Weyand, Trade Secret Asset Management: An Executive's Guide to Information Asset Management, Thompson Reuters (2006).