



Eric Ostroff

Administrative Partner

**Trade Secrets & IP, Commercial Litigation,
Employment, Trial Practice**

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About Eric Ostroff

Eric Ostroff, a partner at Melander Russin & Budwick, focuses his practice on business litigation and trade-secrets/noncompete law and litigation. The 2017 and 2018 *Chambers USA Guides* describe him as “a rising star in the market” who is “developing a fine reputation for his work on trade secrets disputes.” According to *Chambers*, “sources describe him as very professional, diligent, and a true expert” and he is a “great tactician.”

Eric helps businesses protect their interests and resolve disputes, often in bet-the-company circumstances. He has experience litigating and arbitrating a broad range of business disputes, including cases involving breaches of contract, business torts, business defamation, civil conspiracy, unfair competition, false advertising, and deceptive and unfair trade practices. And he represents plaintiffs and defendants in trademark and copyright infringement actions. Eric is an experienced trial lawyer who has tried a number of cases to verdict, before both judges and juries.

Eric helps businesses protect their trade secrets and proprietary information, both before and during litigation. He works with businesses to identify their trade secrets and ensure that they are taking all steps necessary to protect this critical information. He

has extensive experience prosecuting and defending trade-secret and noncompete actions, including obtaining emergency injunctive relief. For example, he obtained a jury verdict against a client's former sales director, who secretly created a competing company using the client's proprietary information.

Eric has frequently been quoted in various media outlets regarding business litigation and trade-secrets issues, including the New York Times and the Miami Herald. He is also the author of the Protecting Trade Secrets blog, which can be found at www.protectingtradesecrets.com. And he is a regular contributor to Entrepreneur, where he writes about trade-secrets issues facing business owners.

Eric serves as the firm's administrative partner. He also provides testimony as an expert witness as to the reasonableness of attorney's fees.

Before joining Meland Russin & Budwick, Eric worked for five years at Weil, Gotshal & Manges LLP, where he was part of the Employment Litigation and Complex Commercial Litigation practice groups.

Education

- University of Miami School of Law, J.D., summa cum laude, 2004
- University of Miami Law Review
- Order of the Coif
- Emory University, B.A., Political Science, 2001

Memberships

- Section of Litigation, American Bar Association
- Trial Lawyers Section, The Florida Bar
- The Florida Bar, Technology Committee and Blockchain Task Force
- Member, Dade County Bar Association
- American Intellectual Property Law Association, Trade Secrets Committee and Trademark Litigation Committee

Awards and Rankings

- Ranked, 2017 and 2018 *Chambers USA Guide*, General Commercial Litigation
- AV-rated, preeminent in his field, by Martindale-Hubbell
- *Florida Super Lawyers*, Rising Star – Business Litigation
- Lawyers for Children America's John Edward Smith Child Advocacy Award, 2006
- Weil Gotshal & Manges LLP's *Pro Bono* Service Award, 2005, 2006, 2007

Publications

- "Protecting Trade Secrets" blog protectingtradesecrets.com
- "Enforcing Noncompete and Nonsolicitation Agreements in Florida," Daily Business Review, December 22, 2010
- "5 Ways to Shrink the Threat of an Employee's Exit to Proprietary Info," Entrepreneur, April 29, 2014

- *"Seeking Trade Secret Protection? Don't Rely on a Label,"* Entrepreneur, May 12, 2014
- *"Avoid These 6 Mistakes When Safeguarding Proprietary Information,"* Entrepreneur, June 20, 2014
- *"The 'George Costanza Defense' to Stealing Trade Secrets,"* Entrepreneur, October 21, 2014
- *"Lessons for Employers from Obama's Push Back Against Noncompetes,"* Daily Business Review, December 9, 2016

Bar Admissions

- State of Florida
- Southern District of Florida
- Middle District of Florida
- Northern District of Florida
- United States Court of Appeals for the Eleventh Circuit

Representative Matters

Practice Area Representative Matters

Trade Secrets & IP, Commercial Litigation Represented Glenn Beck, Mercury Radio Arts, Inc., and TheBlaze, Inc. in multiple litigations in Texas and Delaware against the companies' former CEO for violating a restrictive covenant and breaching his fiduciary duty.

Trade Secrets & IP, Commercial Litigation Represented Crown Linen, LLC in a trade secrets, FDUTPA, and tortious interference claim against its former sales director, who started a competing company. Obtained a jury verdict in Crown Linen's favor.

Trade Secrets & IP Represented a professional sports league in a trademark infringement, false advertising, and unfair competition action in the Southern District of New York, brought by a competing sports league.

Trade Secrets & IP Represented large insurance company in litigation against former employees for stealing trade secrets. Obtained an emergency injunction.

Trade Secrets & IP Represented medical supplies company in litigation and arbitration asserting misappropriation-of-trade-secrets claims against a former business partner.

Trade Secrets & IP Represented electronics company in action brought by a competitor asserting misappropriation of trade secrets.

Trade Secrets Represented large real estate brokerage in litigation against former

& IP salespeople for violating restrictive covenant.

Trade Secrets & IP Represented an international security company in non-compete dispute with a competitor.

Trade Secrets & IP Defended healthcare company against claims of trademark infringement.

Commercial Litigation Represented purchaser of a for-profit college in litigation against the seller for breaching of purchase and sale agreement. Obtained summary judgment.

Commercial Litigation Represented a developer in a class action brought by unit owners in a downtown Miami high-rise condominium.

Commercial Litigation Represented minority shareholder of a franchisor in litigation against the majority shareholders for breach of fiduciary duty.

Commercial Litigation Represented note purchaser in commercial foreclosure action, obtaining foreclosure judgment. Later secured a \$5 million judgment against the guarantors following trial in Miami-Dade Complex Business Court.

Commercial Litigation Represented art purchaser in litigation against Art Basel art dealer asserting fraud claims.

Commercial Litigation Represented Isle of Dreams, the owner of real property in Miami, Florida, in contentious state court foreclosure proceedings against Sunbeam Realty and Sunbeam Television (owned by Edmund Ansin) which include significant counterclaims.

Commercial Represented the owner of commercial property on International

Litigation Drive in Orlando, Florida in a commercial foreclosure action. Obtained a favorable workout that allowed our client to keep the property.

Commercial Litigation Represented the owner of a retail shopping center in Pinecrest, Florida in a commercial foreclosure action. Negotiated a highly favorable settlement that allowed our client to keep the property.

Commercial Litigation Represented Crown Linen, LLC in litigation with Miami-Dade County over water and sewer services.

Commercial Litigation Representation the owner of commercial property in downtown Key West in multiple foreclosure actions and obtained a favorable workout that enabled the client to keep its properties.

Commercial Litigation Represented 50% property owner in arbitration against co-owner for breaching operating agreement.

Commercial Litigation Represented law firm in breach-of-contract dispute with former attorneys.

Commercial Litigation Represented property owner in multimillion-dollar dispute with insurance company over damage to the property.

Commercial Litigation Successfully defended various businesses against claims under the Fair Labor Standards Act and Americans With Disabilities Act.

Bankruptcy and Restructuring Represented Lexi Development Company, Inc., the owner of the Lexi condominium mixed use development, in its Chapter 11 bankruptcy, in which the Debtor successfully eliminated default interest, avoiding foreclosure and preserving equity for the benefit of the Debtor's principals.

