

Trade-Secrets Exercise

February 11, 2019

R ♥ J Productions Inc. is a television production company that specializes in romance-themed reality shows. Quinn King was an executive producer and showrunner (an industry term for the producer responsible for day-to-day operations) for R ♥ J, on a cheesy reality dating show called *The Lovelorn*.

Each season of an R ♥ J show has a “bible,” a reference book that producers on the show use to guide production and maintain consistency from episode to episode. (Similar bibles are standard in the television industry, on both scripted and reality shows.) For *The Lovelorn*, each season’s bible explains the show’s rules, how to set up challenges and dates, which kinds of challenges and dates work best, how each week’s episode-ending necklace ceremony works, how to edit episode promos, network contacts, the identities of reliable vendors, and similar information useful in producing a reality dating show. In short, each bible reflects the institutional memory that King and colleagues on the show developed over several seasons producing *The Lovelorn*. The *Lovelorn* bibles also include information about each season’s contestants, including their back stories, relationship histories, and medical and psychological evaluations.

The *Lovelorn* bibles are stamped as confidential on each page, and R ♥ J has policies prohibiting their disclosure. As is common in the industry, though, dozens of employees have copies, which are not closely monitored or tracked. Though it has never happened to an R ♥ J bible, those from shows produced by other companies have sometimes been leaked to gossip websites and the like.

After an especially trashy—and thus highly rated—season of *The Lovelorn*, a competitor, Starburns Industries, recruited King to start a similar show called *Finding Love*. King showed up at *Finding Love* with the most recent season’s *Lovelorn* bible. For the first season of *Finding Love*, King recruited a popular contestant from that season of *The Lovelorn* to be the star looking to find love. The two shows wound up having notably distinct formats, though, with all of the *Finding Love* contestants living together in a mansion and participating in wackier and sillier dates and challenges than the more romantic events on *The Lovelorn*. *Finding Love* was a hit, with the happy couple marrying in a televised ceremony and gracing magazine covers before going through a nasty breakup that was covered by all the tabloids and gossip sites.

After *Finding Love* became a hit, R ♥ J sued Starburns for misappropriation of trade secrets, in the form of the *Lovelorn* bible and information therein. Assess the claims against Starburns.