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# Ninth Circuit Rejects Early Disclosure Rule in Trade Secret Case: *Quintara Biosciences v. Ruifeng Biztech*

**By Daniel J. Melman**

On August 12, 2025, the Ninth Circuit issued an important decision in *Quintara Biosciences, Inc. v. Ruifeng Biztech, Inc.,* No. 23-16093, clarifying what plaintiffs must show—and when—in federal trade secret cases. The court held that the federal Defend Trade Secrets Act (DTSA) does not require plaintiffs to identify their trade secrets with detailed precision at the very start of a case. Instead, whether trade secrets are described with enough particularity is a factual issue that should be resolved after discovery, typically at summary judgment or trial.

A frequent early battleground in trade secret litigation is the sufficiency of the plaintiff's disclosure. Defendants often argue that a plaintiff's descriptions are too vague, making it impossible to know what is really at issue, and push for early dismissal. Many state laws, including California's Uniform Trade Secret Act ("CUTSA"), expressly require plaintiffs to spell out their trade secrets with "reasonable particularity" before any discovery begins.

The Ninth Circuit rejected that approach under the DTSA. In *Quintara*, the district court had struck nine of eleven asserted trade secrets at the outset, reasoning that they were not described clearly enough. The Ninth Circuit reversed, holding that importing California's disclosure rule into a federal case was error and that striking claims pre-discovery was an abuse of discretion.

## THE NINTH CIRCUIT'S KEY POINTS

- **No Early Disclosure Mandate**. Unlike CUTSA, "the federal DTSA does not require a plaintiff to identify with particularity its alleged trade secrets from the start" at the outset of discovery. Plaintiffs must eventually prove that their information qualifies as a trade secret, but the statute does not impose an up-front identification burden.
- **Particularity Is a Fact Question**. "Whether a DTSA plaintiff has identified information that is sufficiently particular to constitute a trade secret – information that is kept secret and derives value from not being generally known – is a question of fact" and "usually a matter for summary judgment or trial."
- **Striking Claims Pre-Discovery Is Improper**. The Ninth Circuit faulted the district court for using Rule 12(f) to strike most of Quintara's trade secrets. The proper course, it explained, is to manage discovery through protective orders or sequencing, and to address adequacy later—at summary judgment or trial.

## WHAT THIS MEANS FOR BUSINESSES

Trade secret cases often begin with fights over disclosure. Plaintiffs seek to broadly identify their trade secrets to protect as much information as possible, while defendants demand specificity to avoid open-ended fishing expeditions. These disputes can consume significant time and resources before the case even gets off the ground.

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The Ninth Circuit's ruling shifts that dynamic in federal cases. Plaintiffs bringing DTSA-only claims now may have more breathing room early on, because they are not required to define their trade secrets with the same precision demanded by California's statute. Defendants, on the other hand, must rethink early strategies: they can still challenge vague or overbroad claims, but those challenges likely will be resolved later in the case, not at the outset.

## TAKEAWAYS

Whether other circuit courts of appeal will follow the Ninth Circuit's lead remains to be seen. In the meantime, however, the *Quintara* decision underscores that in DTSA cases, trade secret identification likely is a question for later stages in the litigation, not an early gatekeeping hurdle. Businesses pursuing or defending against DTSA claims should plan accordingly, and litigation strategy should account for the timing: plaintiffs gain some flexibility early, while defendants should adapt their strategies to focus on managing discovery and pressing challenges when the factual record is more fully developed.

This Intellectual Property Update is intended to keep readers current on developments in the law. It is not intended to be legal advice. If you have any questions, please contact Daniel Melman at 914.286.6447 or dmelman@eckertseamans.com, any other attorney at Eckert Seamans with whom you have been working.

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