

Convicted Businessman Intercepted at O'Hare for Stealing Trade Secrets Sentenced to One Year and One Day of Jail Time

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Earlier this year, a federal jury in Chicago convicted Robert O'Rourke, an employee of a cast-iron manufacturing firm, for stealing trade secrets and attempting to bring them to his new employer, a rival Chinese company. During trial, the evidence showed that O'Rourke was employed at Illinois-based Dura-Bar for 30 years, when in 2013 he began negotiating new employment with a rival firm in Jiangsu, China. After accepting the position, but before leaving Dura-Bar, O'Rourke downloaded Dura-Bar's electronic data and documents, planning to bring the trade secrets to China.

At the time of his conviction, O'Rourke faced up to 10 years as he was found guilty of seven counts of trade secret theft. But earlier this month, on October 10, 2019, O'Rourke was sentenced to just a year and a day in federal prison and was fined \$100,000. Notably, in denying O'Rourke's motion for a new trial, Judge Andrea R. Wood underscored the importance of intent for the crime of attempted trade secret theft. She held that, for attempted trade secret theft, the government did not need to prove that a trade secret *in fact* existed; rather, it was simply required to prove that O'Rourke took the information with the *belief* that the information was a trade secret.

TIP: This case serves as a reminder that the U.S. government is committed to holding individuals and companies criminally liable for stealing trade secrets. Companies should ensure that data security measures are in place to prevent theft from even lifetime employees.

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