

## Jury Acquits Ex-Jawbone Employee of Trade Secret Theft

FEBRUARY 20, 2020

Nearly two years ago, a grand jury in the Northern District of California indicted former Fitbit employees for receiving and possessing trade secrets stolen from their former employer, Jawbone, a Fitbit competitor. Earlier this month, after a two-week trial, a federal jury acquitted one of those employees.

Katherine Mogal, the former director of market and customer experience insights at Jawbone (and one of the indicted former employees), was found not guilty of all six charges brought against her. The prosecutors argued that Mogal retained access to proprietary Jawbone documents after she joined Fitbit. The documents, prosecutors contended, were stored on cloud-based applications CrashPlan and Dropbox. Mogal countered that these documents were saved during routine backups, that she did not use them at Fitbit, and that they, were not protected trade secrets. The jury sided with Mogal and acquitted her less than two hours into deliberations.

The effect that this acquittal will have on the other defendants is unclear. Before Mogal's trial, prosecutors already dropped charges against another co-defendant, Ana Rosaria, a former Jawbone design, and user researcher. Although the prosecutions against the remaining defendants will proceed on their own merits, prosecutors have suggested that they will review Mogal's acquittal to determine its effect, if any, on any other prosecutions.

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