

## NEWSLETTERS

### Barnes & Thornburg LLP Commercial Litigation Update - June 2014

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Welcome to the June 2014 edition of the *Commercial Litigation Update*, an e-publication that features articles authored by the attorneys in Barnes & Thornburg LLP's Commercial Litigation practice group.

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#### Social Media Discovery Increasingly Important in Commercial Litigation

By Douglas M. Oldham

Businesses of all sizes maintain social media accounts on Facebook, Twitter, YouTube, LinkedIn and other platforms. According to Social Media Today, 97 percent of all business executives use or have used LinkedIn. Pew Research says that 73 percent of online adults use at least one social networking site and 42 percent use multiple sites. This is not just occasional use. Of the online adults who use Facebook (by far the most popular social network), 63 percent visit the site at least once a day.

#### Harming a Company in the Forum State Does Not Constitute 'Minimum Contacts' for Personal Jurisdiction

In a recent case, the Seventh Circuit Court of Appeals held alleged commercial torts and violations of the Lanham Act directed against the Indiana plaintiff were insufficient contacts with Indiana to confer specific personal jurisdiction over the defendants

#### Successfully Protecting Your Business Interests: Effective Use of Noncompete Agreements

It has almost become standard practice for companies to require new employees to sign boilerplate noncompete agreements before beginning their employment. However, such agreements are often considered difficult to enforce.

#### Using Summaries of Information both Offensively and Defensively in Discovery

Anyone who has been through the discovery phase of litigation knows that it can be burdensome, contentious and exhausting for all involved. Discovery can tie up your employees' time, require the involvement of multiple IT personnel and generate significant legal fees tied to your efforts to either block or obtain information from your opponent.

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