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9th Circuit Clarifies DTSA Trade Secret Disclosure Requirements

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The Ninth Circuit recently held that the Defend Trade Secrets Act ("DTSA") does not require plaintiffs to identify their allegedly misappropriate trade secrets with reasonable particularity at the outset of discovery—much unlike the California Uniform Trade Secrets Act ("CUTSA"). *Quintara Biosciences, Inc. v. Ruifeng Biztech, Inc.*, No. 23-16093 (Aug. 12, 2025). Rather, the DTSA's requirement that a plaintiff identify trade secrets with "sufficient particularity" is a question of fact to be determined at summary judgment or trial.

Background

Plaintiff Quintara Biosciences, Inc. ("Quintara"), a California DNA-sequencing company, sued Defendant Ruifeng Biztech, Inc. ("Ruifeng") for misappropriation of trade secrets, alleging the theft of customer and vendor databases, marketing plans, software code, and proprietary technologies. Quintara asserted claims solely under the DTSA, and did not assert any CUTSA claims. Shortly after the parties' initial discovery conference, the District Court imposed a requirement, borrowed from CUTSA Section 2019.210, that Quintara must identify its trade secrets with "reasonable particularity" before discovery could proceed. Finding that Quintara's subsequent disclosure was inadequate, the court granted Ruifeng's Rule 12(f) motion, striking nine of the eleven trade secrets that Quintara alleged, and ordering the parties to proceed to summary judgment on the surviving asserted trade secrets.

The Ninth Circuit's Decision

Reversing in part, the Ninth Circuit found the District Court abused its discretion by striking Quintara's trade secrets for lack of particularity at the discovery stage. The court emphasized that while plaintiffs invoking the DTSA must prove they possess trade secrets with "sufficient particularity" at summary judgment or trial, the DTSA does not impose the CUTSA's "reasonable particularity" disclosure requirement at the outset of discovery.

The Ninth Circuit found that by striking nine trade secrets before meaningful discovery had occurred, the District Court effectively dismissed Quintera's claims as to these trade secrets as a discovery sanction, which it deemed to be an abuse of discretion. In this vein, the Ninth Circuit gave examples of less drastic actions the court could have taken, such as "grant[ing] a protective order limiting discovery to whether Quintara had identified its trade secrets with 'sufficient particularity' before permitting additional discovery," or if Quintara failed to adequately supplement its trade secret identification "after discovery and an opportunity to clarify the level of particularity required for its claim to move forward, … the district court could have excluded evidence of any added specifications from consideration on summary judgment or at trial."

Takeaways

The Ninth Circuit's decision shows that (at least within that jurisdiction), a DTSA-only action offers plaintiffs greater leeway with respect to identifying the misappropriated trade secrets before discovery begins. Defendants are apt to argue that this hands an unfair advantage to plaintiffs who are unable to identify their allegedly misappropriated trade secrets at the time they file suit, and deprives defendants of the ability to launch early attacks on a DTSA claim. But the Ninth Circuit emphasized that district court judges have discretion to shape how and when trade secrets must be disclosed, including through protective orders, phased discovery, or targeted summary judgment practice, which afford meaningful avenues to test and narrow trade secret claims.

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