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Trade Secrets | Intellectual Property Update

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Ninth Circuit Issues Important Decision Concerning Identification of Trade Secrets in Connection with a Defend Trade Secrets Act Claim

Quintara Biosciences confirms that California state law’s requirement that a plaintiff disclose its trade secrets with “reasonable particularity” at the outset of discovery does not apply to trade-secret claims brought solely under the DTSA.

On August 12, 2025, the Ninth Circuit held that a district court abused its discretion in striking a plaintiff’s alleged trade secrets during discovery for failing to identify them with sufficient specificity in connection with a trade-secret misappropriation claim under the federal Defend Trade Secrets Act (DTSA). *Quintara Biosciences, Inc. v. Ruifeng Biztech, Inc.*, --- F.4th ---, 2025 WL 2315671, at *3 (9th Cir. Aug. 12, 2025).

The DTSA requires a plaintiff to identify a trade secret with “sufficient particularity to separate it from matters of general knowledge in the trade or of special knowledge of those persons . . . skilled in the trade.” *Id.* at *4 (citation omitted). In *Quintara*, the Ninth Circuit made clear that (i) the DTSA does not mandate “the specific timing or scope for identifying trade secrets”—in contrast to California state law’s requirement that a plaintiff asserting trade-secret claims under the California Uniform Trade Secrets Act (CUTSA) identify its trade secrets with “reasonable particularity” *before* the plaintiff commences discovery; and (ii) the question of whether “a plaintiff has sufficiently particularized a trade secret under [the] DTSA” is a question of fact for summary

judgment or trial. *Quintara Biosciences, Inc.*, 2025 WL 2315671, at *2, *5 (9th Cir. Aug. 12, 2025).

The district court struck (and thus “functionally dismiss[ed]”) under Federal Rule of Civil Procedure 12(f) nine of the plaintiff’s alleged trade secrets after finding that they had not been described with enough specificity in a trade-secrets disclosure the court ordered at the outset of discovery. *Id.* at *5. The Ninth Circuit held that Rule 12(f) does not authorize striking alleged trade secrets for lack of specificity—and that doing so as a sanction under Rules 16 or 37 was inappropriate in this case. *Id.* at *6-7. The Ninth Circuit confirmed that district courts nonetheless retain broad discretion to manage the timing and scope of trade-secret disclosures under the DTSA.

Background

Quintara sued Ruifeng in federal court alleging misappropriation of trade secrets. The operative complaint asserted a claim under the federal DTSA for misappropriation of eleven trade secrets. Ruifeng did not assert any claims under CUTSA.

Early in the case, the parties disputed whether Quintara was required to disclose its trade secrets with “reasonable particularity” before proceeding with discovery. Section 2019.210 of the California Code of Civil Procedure requires plaintiffs asserting trade-secret claims under CUTSA to identify their alleged trade secrets with “reasonable particularity” before commencing discovery relating to the trade secrets. The practical effect of this statute is that California state courts presiding over CUTSA claims typically require a plaintiff to serve a 2019.210 disclosure or a discovery response identifying their alleged trade secrets with reasonable particularity before commencing discovery related to the trade-secret claim. Many California federal courts faced with a CUTSA claim have required a similar type of 2019.210 disclosure as well. The DTSA, however, does not contain a provision comparable to Section 2019.210 of the CCP. California federal courts faced with the question of whether to require a 2019.210 disclosure in a DTSA case without an accompanying CUTSA claim generally have declined to specifically order such a disclosure under Section 2019.210. The district court in *Quintara* departed from this practice and ordered Quintara to provide a detailed, pre-discovery disclosure of its alleged trade secrets, citing section 2019.210. Ruifeng found Quintara’s disclosure lacking and moved to strike Quintara’s alleged trade secrets in the disclosure under Rule 12(f), which the district court granted. *Id.* at *5. As the Ninth Circuit put it, “[t]he district court dismissed Quintara’s claim to nine of its trade secrets because Quintara failed to prove just one element of its DTSA claim—that it owned sufficiently particularized trade secrets.” *Id.* at *7.

The Ninth Circuit’s Decision

The Ninth Circuit held that the district court erred by “rel[ying] on a California rule that does not control a federal trade-secret claim.” *Id.* at *5. “[U]nlike CUTSA, DTSA does not set out requirements for the specific timing or scope for identifying trade secrets,” and “[i]nstead, the conventional procedures under the Federal Rules of Civil Procedure apply.” *Id.*

The Ninth Circuit further held that Rule 12(f) did not “authorize[] the district court to strike—and functionally dismiss—Quintara’s claim to nine of its trade secrets.” *Id.* Rule 12(f) allows courts to

“strike from a pleading an insufficient” defense or any redundant, immaterial, impertinent, or scandalous matter.” *Id.* Even if a trade-secrets disclosure could be considered a “pleading” under Rule 12(f), the plaintiff’s alleged trade secrets were not an “insufficient defense” or a “redundant, immaterial, impertinent, or scandalous matter”—and thus, Rule 12(f) could not provide the “authority to strike the trade secrets at issue.” *Id.*

The Ninth Circuit further held that the district court’s decision dismissing Quintara’s claim of misappropriation of nine trade secrets as a discovery sanction under Rule 16 or 37 was an abuse of discretion. Weighing the five-factor test for sanctions (the public’s interest in expeditious resolution of litigation, the risk of prejudice to the defendant, the court’s need to manage its docket, the public interest in resolving cases on their merits, and availability of less drastic alternatives), the Ninth Circuit held that the district court abused its discretion in dismissing Quintara’s trade-secrets for failure to sufficiently describe them at the outset of discovery in compliance with the court’s order. *Id.* at *6-7. The Ninth Circuit explained that “[a]lthough our five-factor test for dismissal sanctions invites case-specific analysis, a DTSA trade-secret claim will rarely be dismissible as a discovery sanction in a situation like this.” *Id.* at *8. The Ninth Circuit emphasized that even though Section 2019.210’s disclosure requirement does not govern a DTSA claim, the “district court could have granted a protective order limiting discovery to whether Quintara had identified its trade secrets with ‘sufficient particularity’ before permitting additional discovery,” or “could have invited a motion for summary judgment” on the issue—rather than striking the alleged trade secrets as the district court did. *Id.* at *7-8.

What It Means

Quintara Biosciences confirms that California state law’s requirement that a plaintiff disclose its trade secrets with “reasonable particularity” at the outset of discovery does not apply to trade-secret claims brought solely under the DTSA—and cautions district courts from striking (and thus dismissing) alleged trade secrets for lack of specificity prior to summary judgment. The decision nonetheless highlights that district courts retain “broad discretion and ample alternatives under the Federal Rules of Civil Procedure to manage the disclosure of trade secrets in discovery,” and reiterates that the question of whether a trade secret is described with sufficient specificity under the DTSA is usually a question of fact for resolution at summary judgment or trial. *Id.* at *8.

The following Gibson Dunn lawyers prepared this update: Ilissa Samplin, Angelique Kaounis, Grace Hart, Doran Satanove, and Peter Jacobs.

Gibson Dunn’s lawyers are available to assist in addressing any questions you may have regarding these issues. For additional information about how we may assist you, please contact

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