

EXHIBIT 1: INSERTS TO PROTECTIVE ORDER**Insert #1**

Plaintiff shall designate as “CONFIDENTIAL” any information or thing containing trade secrets, confidential or proprietary information (such as the location, nature, composition and/or characteristics, search for, research regarding, and/or exploration of, the Defendant in this proceeding). If a party desires to challenge such a designation, it shall do so forthwith following such designation on the basis that the information or thing does not satisfy the foregoing criteria. The Court will promptly make appropriate findings of fact and conclusions of law on each such challenge.

Insert #2

Unless the Court sustains a timely challenge to the designation of confidentiality for the material in question, any material designated “CONFIDENTIAL” may be used solely for purposes of this proceeding. No person receiving such information may use such information for any other purpose. No information or material designated “CONFIDENTIAL” shall be disclosed to any person or entity except as set forth in this Order.

In the event that any “CONFIDENTIAL” material or information is used in any court filing or proceeding in connection with this proceeding, it shall not lose its “CONFIDENTIAL” status through such use, and the parties shall take all steps necessary and proper to protect its confidentiality during such use. All “CONFIDENTIAL” information shall be carefully maintained by counsel for the Intervenor, who shall ensure that no person receives any access unless entitled to receive such information by the terms of this Protective Order.

Upon termination of this proceeding, Intervenor shall forthwith return all such “CONFIDENTIAL” materials to Plaintiff. No later than forth-five (45) days after the termination of this proceeding, Intervenor shall assemble and return all such material in their custody and control, including all copies thereof, to the Plaintiff and shall certify by affidavit provided to Plaintiff that all such material has been returned to Plaintiff. Termination of this proceeding shall not relieve any person from any obligation, duty or liability under this Protective Order. Nothing herein shall be deemed to limit Plaintiff’s other rights in the event of a violation of this Order.

Insert #3

Should Intervenor desire to assert that information designated by the Plaintiff as “CONFIDENTIAL” had been developed independently prior to disclosure of such information by the Plaintiff, Intervenor shall, within ten (10) business days of the service of any such document, thing or other information by Plaintiff, file under seal with the Court, and serve on all counsel for Plaintiff: (a) a written specification of such information; (b) a notice stating the details of Intervenor’s claim that such information had been independently developed by Intervenor prior to such disclosure by the Plaintiff; and (c) a statement of the evidence supporting the Intervenor’s claim of independent development. If Plaintiff disagrees with such claim of independent development, it shall file under seal with the Court a notice detailing the basis for its disagreement. The Court will adjudicate whether the information had been independently developed prior to such disclosure by Plaintiff, making written findings of fact and conclusions of law.