

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARS, INC. :
 :
 Plaintiff : Civil Action No. 07-1574(SRC)
 :
 v. :
 : ORDER ON INFORMAL
 NATRACEUTICAL, : APPLICATION

This matter having come before the Court by way of letter dated July 18, 2007, regarding disputes concerning two portions of the proposed discovery confidentiality order; and the Court having conducted a telephone conference on the record on July 23, 2007; and the Court having considered the submissions, arguments and representations of counsel; and the Court having considered applicable case law; and for the reasons set forth on the record on July 23, 2007; and for good cause shown,

IT IS ON THIS 23rd day of July, 2007

ORDERED that if members of the Garrigues law firm intend to assist the defendants with this litigation and seek to be privy to discovery in this case, then defendants' New Jersey counsel shall seek the pro hac vice admission of one of the partners at the Garrigues law firm. If pro hac vice admission is granted and the partner wishes to share discovery in this case with one partner and one associate from its offices in Spain, then said counsel shall be responsible for their actions and shall ensure that they sign an Undertaking wherein they agree to submit to the jurisdiction of this Court and comply with the terms of the discovery confidentiality order. They will then have access to only a nonprintable website that contains the discovery information disclosed in this case;

IT IS FURTHER ORDERED that, if plaintiff wants Mr. Schroeder to be privy to the information marked "highly confidentiality," then with the exception of granting/revoking powers of attorney on behalf of the corporation, he shall have no direct or indirect role in patent applications, patent prosecutions, amendments, and patent filing strategies for (1) cocoa polyphenols, (2) productions containing cocoa polyphenols, or (3) the process for making cocoa polyphenols and or those products; and

IT IS FURTHER ORDERED that a revised discovery confidentiality order shall be submitted no later than **July 26, 2007**.

s/Patty Shwartz
United States Magistrate Judge