



FW: Trailblazer Foods v. Silgan, US Dist Case No. 3:17-cv-00417-AC

Parker, Christopher

to:

john_acosta@ord.uscourts.gov, Parker, Joel

10/30/2017 01:24 PM

Cc:

"Anderson, Dave", "Xochihua, Paul R.", "Keller, Rayna L."

Hide Details

From: "Parker, Christopher" <cparker@davisrothwell.com>

To: "john_acosta@ord.uscourts.gov" <john_acosta@ord.uscourts.gov>, "Parker, Joel"

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History: This message has been replied to.

2 Attachments



Trailblazer v. Silgan.pdf

Your Honor:

Attached is the letter from the customer that is objecting to production of the materials at issue (name omitted per the Order). Please let us know of any questions or if there is any additional information we can provide.

Chris

From: Parker, Christopher

Sent: Monday, October 30, 2017 10:17 AM

To: 'Paul_Gale@ord.uscourts.gov' <Paul_Gale@ord.uscourts.gov>; 'Parker, Joel' <JParker@SCHWABE.com>

Cc: Anderson, Dave <DAnderson@SCHWABE.com>; Davis, Lauren <ldavis@davisrothwell.com>; Keller, Rayna L. <rkeller@davisrothwell.com>; Xochihua, Paul R. <PXOCHIHUA@davisrothwell.com>

Subject: Trailblazer Foods v. Silgan, US Dist Case No. 3:17-cv-00417-AC

Mr. Gale and Counsel:

One of Silgan's customers is objecting to production of the materials at issue. Per the Court's Order, attached is a copy of the letter from this customer (company name omitted).

The Court's Order says to email this directly to Judge Acosta. Mr. Gale, are you able to forward this to the Judge, or provide His Honor's email address so I can send? Thank you.

Chris

Christopher M. Parker

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October 30, 2017

Honorable Magistrate Judge John V. Acosta
Mark O. Hatfield United States Courthouse
Room 1127
1000 Southwest Third Avenue
Portland, Oregon 97204-2941

Re: Case Name: Trailblazer Food Products, Inc. v. Silgan White Cap LLC
Case Number: 3:17-cv-00417-AC

Your Honor:

This letter is submitted by my company, a customer of defendant Silgan White Cap LLC ("Silgan"), pursuant to the rulings at the telephonic hearing on October 24, 2017. My company is a consumer packaged goods company specializing in food and is a direct competitor of plaintiff Trailblazer Foods Products, Inc. ("Trailblazer"). I am my company's in-house counsel. Counsel for Silgan provided a copy of the proceeding minutes and requested I draft a letter to regarding the discoverability of the materials at issue.

It came to my company's attention that Trailblazer seeks the production of all metal closure *package specification reviews* ("PSRs") for my company's food products that were either in place and used to make closures from 2014-2017, or PSRs that were created during that time. I understand that Trailblazer seeks PSRs in their un-redacted form, which would include not only my company's name, but also the identification of specific products. My company objects greatly to the disclosure of these documents. Although prepared by Silgan, the PSRs contain proprietary, trade secret information from my company; specifically, my company's processing conditions utilized to optimize product attributes, such as color and flavor, for products in *direct competition* with Trailblazer's products.

My company, like most CPG companies, spends millions of dollars on research and development as well as relies on our products' specific attributes to set its products apart from our competition. As such, my company strenuously guards our products formulations and processing conditions. Allowing this information into the hands of our competitors, in any form, is life-threatening; especially if released to competitors in the private label business.

I understand that Trailblazer alleges that Silgan metal closures eroded, resulting in business loss and other damages. However, my company fails to see how proprietary and trade secret information regarding our processing conditions, that directly affect key product attributes, are relevant to this case; especially when the information sought is specific to companies other than Trailblazer. Even if Trailblazer could argue the PSRs are somehow relevant and discoverable, the risk of damage to a non-party through the release of proprietary, trade secret information significantly outweighs Trailblazer's need for this information to support its case.

I have reviewed the protective order entered in this case and have expressed concern to counsel for Silgan that it would allow those within Trailblazer to view any information produced. Although the protective order states that Trailblazer may not use the information for any purpose outside litigation, I am sure this Court can appreciate the importance of a company's trade secrets, especially as they relate

to important product attributes. Unfortunately, once this information is seen for whatever reason, it is impossible to un-see.

As such, my company respectfully requests the denial of Trailblazer's request for PSRs involving our products. Please let me know if I can provide any further information.

Regards,

Consumer Packaged Goods Company and Customer of Defendant Silgan White Cap LLC