

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:21-CV-251-BO

BERINGER COMMERCE, INC., d/b/a)
BLUE ACORN iCi,)

Plaintiff,)

v.)

DECLARATION OF JUDY GEASLEN

FIN CAP, INC. d/b/a)
"BLUEACORN.CO," BLUE ACORN)
PPP, LLC, and BLUE OAK FOREST,)
LLC,)

Defendants.)

I, Judy Geaslen, declare under penalty of perjury as follows:

1. I am the Chief Financial Officer of Beringer Commerce, Inc. d/b/a Blue Acorn iCi ("Blue Acorn iCi"). I submit this declaration in support of Blue Acorn iCi's Motion for Protective Order.

2. I am familiar with the facts and circumstances of the above-captioned matter, as well as the confidentiality of Blue Acorn iCi's financial and commercial information and records related to the same.

3. I have reviewed and am familiar with Defendants' discovery requests in this case, including Defendants' First Set of Interrogatories and First Set of Requests for Production. Responding to Defendants' discovery requests would require the disclosure

of sensitive, confidential, and proprietary information and records related to Blue Acorn iCi's business operations.

4. Blue Acorn iCi's customer list is a confidential document that Blue Acorn iCi would not want to disclose in the absence of a protective order with a "Highly Confidential - Attorneys' Eyes Only" designation. Disclosure of such information would be harmful to Blue Acorn iCi, especially if the information was provided to a future competitor. While Blue Acorn iCi does list the names of several customers on its website, Blue Acorn iCi requested permission from these customers prior to listing them on the website.

5. Moreover, the revenue for each of Blue Acorn iCi's clients is confidential information that Blue Acorn iCi would not want to disclose in the absence of a protective order with a "Highly Confidential - Attorneys' Eyes Only" designation. Not only is this information extremely confidential, but Blue Acorn iCi would also need the permission of its clients to disclose such information without a protective order in place.

6. Defendants also seek copies of Blue Acorn iCi's financial statements, balance sheets, income statements, and state and federal income tax returns from 2018 to the present. Except as authorized by its parent company, Infosys Limited, Blue Acorn iCi does not make public filings related to such information and considers such information to be private and confidential.

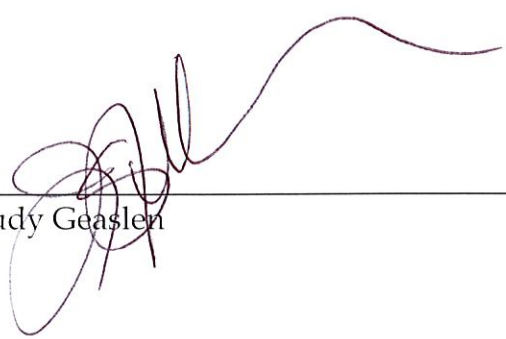
7. Defendants' discovery requests seek copies of all business plans and all marketing plans relating to Blue Acorn iCi's services. Blue Acorn iCi develops its

marketing and business strategies internally with limited reliance on outside sources. While certain information that Blue Acorn iCi relies on to develop its marketing and business strategies is not confidential, Blue Acorn iCi's own internal analysis of such information is highly confidential and proprietary.

8. Defendants use of Blue Acorn iCi's intellectual property, including Blue Acorn iCi's brand, trademark, and copyright, is ongoing. Additionally, Defendants have indicated they intend to continue using Blue Acorn iCi's intellectual property after the PPP loan program ends. If Blue Acorn iCi is required to publicly disclose its financial information, customer list, marketing strategies, and business plans to Defendants, then Blue Acorn iCi would be harmed in future competition with Defendants as Defendants expand their use of Blue Acorn iCi's intellectual property, as well as with other customers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated this 1st day of January, 2022.



Judy Geaslen