

The present case is closely analogous to the situation that existed in Iowa Beef and similarly raises important policy considerations relating to the compelled discovery of trade secrets, the release of which Remington argues will have the effect of thwarting innovation and hampering competition. See Kewanee Oil Co. v. Bicron Corp., 416 U.S. 470 (1974).

Remington argues that its position within the firearms industry and its ability to compete in the firearms market are threatened by the disclosure of documents that it claims to be confidential, formative research and development files, generated in an effort to create a distinctly different new bolt action rifle. It argues further that because its NBAR designs are so novel, premature disclosure will seriously affect its ability to obtain patents on new concepts and designs. Remington also contends that a protective order will not preserve confidentiality and cannot effectively limit the dissemination of this confidential information.

Remington argues that mandatory disclosure of the questioned documents would have the effect of destroying its incentive to improve product safety, contending that the adversarial use of post-manufacture research efforts will discourage the development of new products.

Remington argues that in light of the foregoing adverse consequences that it contends would follow from compelled production of the NBAR documents, the procedure followed by the district court in ordering the discovery of the documents was inadequate to protect Remington's property interests in the documents, denying Remington as it did both reasonable notice and a meaningful opportunity to be heard.

NO. 91-11-10856-CV

GLENN W. COLLINS and
GLENDA H. COLLINS

VS.

REMINGTON ARMS COMPANY,
INC., E.I. DU PONT DE NEMOURS
AND COMPANY, and GLENN W.
SLADE, JR. D/B/A GLENN SLADE
SPORTING GOODS

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IN THE DISTRICT COURT OF

MAVERICK COUNTY, T E X A S

293RD JUDICIAL DISTRICT

RESPONSE TO PLAINTIFFS' FIRST MOTION TO COMPEL

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