

Excerpt from the
BYLAWS
OF
COMPACTFLASH ASSOCIATION

A California Nonprofit
Mutual Benefit Corporation

ARTICLE XII

CONFIDENTIALITY

12.1 Purpose. In order to further the Corporation's purpose, and to pursue the Corporation's goals and objectives, there is a need for the Corporation or Members to disclose, from time to time, certain confidential information to Members, or other Members, as the case may be. In order to facilitate the disclosure of such confidential information, it must be protected from unauthorized disclosure. Therefore, as a condition of Membership of the Corporation, each Member will be bound by the nondisclosure provisions of this Article XII.

12.2 Definition. "Confidential Information" means any information that is designated in writing as confidential or proprietary by the Corporation or the Member disclosing the Confidential Information (the "Disclosing Party"), or if given orally, is confirmed in writing by the Disclosing Party within seven (7) days of disclosure as having been disclosed as confidential or proprietary. Confidential Information does not include information that (i) is in the possession of the Member receiving the Confidential Information (the "Receiving Member") at the time of disclosure as shown by the Receiving Member prior to the time of disclosure and which was not acquired, directly or indirectly, from the Disclosing Party; (ii) prior to or after the time of disclosure becomes part of the public knowledge or literature, not as a result of any improper inaction or action of the Receiving Member or any affiliate, employee, consultant, agent or other representative of the Receiving Member; or (iii) is independently developed by the Receiving Member; or (iv) is approved for release or disclosure to any third party without restriction by the prior written authorization of the Disclosing Party..

12.3 Nondisclosure. Any Receiving Member will hold the Confidential Information of any Disclosing Party in confidence by using the same degree of care as it employs to safeguard its own information of like importance but no less than reasonable care, and will not disclose the Disclosing Party's Confidential Information to any third parties. The Receiving Member may disclose the Disclosing Party's Confidential Information to its responsible employees, consultants, agents, and contractors, but only after such employees, consultants, agents, and contractors are bound by written confidentiality agreements with provisions no less restrictive than those in this Article XII. Notwithstanding the foregoing, a Receiving Member may disclose Confidential Information if required by any judicial or governmental request, requirement or order, or by operation of law, provided, however, that the Receiving Member promptly informs the Disclosing Party of such request, requirement or order and takes steps necessary to obtain a protective order.

12.4 Injunctive Relief. Because the unauthorized disclosure of any Confidential Information could cause irreparable harm and significant injury to a Disclosing Party, the extent of which would be difficult to ascertain, Disclosing Parties will have the right to obtain an immediate injunction enjoining any unauthorized disclosure of Confidential Information by a Receiving Member.

12.5 Term. The obligations of a Receiving Member under this Article XII with respect to each disclosure of Confidential Information shall remain in effect in for a period of five (5) years or until the sooner of the following to occur: (i) the Corporation elects to include such Confidential Information as part of a published specification; (ii) such Confidential Information is available in the public domain; (iii) express written waiver by the Disclosing Party; (iv) such information Confidential Information no longer meets the definition of "Confidential Information" as set forth in Section 12.2 above. The resignation, suspension or termination of Membership shall not relieve any Receiving Member of its obligations under this Article XII, and such obligations will survive and will be binding upon such Receiving Members.