

Exhibit 1

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MAPLEBEAR INC. DBA INSTACART,

Plaintiff,

v.

CORNERSHOP TECHNOLOGIES, INC.;
CORNERSHOP TECHNOLOGIES LLC;
DELIVERY TECHNOLOGIES US, INC.;
DOES 1-10,

Defendants.

Case Action No. 2:20-cv-240

**STIPULATED ORDER ON PLAINTIFF'S MOTION FOR PRELIMINARY
INJUNCTION**

On July 16, 2020, pursuant to Fed. R. Civ. P. 65, Plaintiff Maplebear Inc. dba Instacart (“Instacart”) moved for a Preliminary Injunction on its claims against Defendants Cornershop Technologies, Inc., Cornershop Technologies LLC, and Delivery Technologies US, Inc. (together, “Cornershop”) for violations of the Computer Fraud and Abuse Act (“CFAA”), 18 U.S.C. § 1030, *et seq.*, the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 1201, *et seq.*, copyright infringement, and related violations of Texas statutory and common law. Instacart further moved for an Order of Impoundment as authorized by the DMCA, 17 U.S.C. § 1203(b)(2), and the Copyright Act, 17 U.S.C. § 503(a)-(b).

The parties wish to resolve Instacart’s motion and therefore stipulate to entry of the following Order.

DEFINITIONS

1. For the purposes of this Order, the term “scraping” shall refer to any system, method, process, or technique by which a computer, computer system, application programming interface, computer program, application, or other logical operation extracts, copies, translates, makes a derivative from, or otherwise records data from any third-party website or application.

2. For the purposes of this Order, “affiliate” shall refer to any person or entity related to, associated with, contracted with, partnered with, in a joint venture with, owning, owned by, operated by, under common control with, under the direction of, or with the ability to direct or control Cornershop or any parent or subsidiary thereof, as well as any current and former principal, officer, director, manager, general partner, employee, agent, servant, vendor, parent company, or subsidiary of any such person or entity, including that person or entity’s advisors, consultants, contractors, attorneys, accountants, predecessors, successors, assigns, heirs, administrators, executors, supervisors, or representatives.

3. For the purposes of this Order, (a) “platform” shall refer to a party’s owned or operated technology platform, whether accessed by a web-based browser or phone-based application, that processes customer orders placed on virtual retailer storefronts, as well as the application through which the independent service providers with whom a party contracts using the platform receive those orders; and (b) “Instacart platform” shall mean any such platform that is visibly identified as, disclosed to Cornershop, or otherwise known by Cornershop to be owned or operated by Instacart or any entity that Instacart controls, is controlled by, or is under common control with Instacart, directly or indirectly.

4. Use of the singular also includes the plural and vice-versa, even for the above defined terms.

5. The words “or” and “and” shall be read in the conjunctive and in the disjunctive wherever they appear, and neither of these words shall be interpreted to limit the scope of this Order.

ORDER FOR PRELIMINARY INJUNCTION

IT IS HEREBY ORDERED that Cornershop and its officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with any of the foregoing, are hereby ENJOINED from:

1. Displaying, publishing, reproducing, or distributing any copies or derivatives of (i) any of Instacart’s copyrighted images, including without limitation those images identified in Exhibit S of the Romaniuk Declaration attached to Instacart’s Motion for Preliminary Injunction; and (ii) any of Instacart’s package information, file names, metadata, product descriptions, pricing information, catalog information, and data;
2. Scraping, or facilitating the scraping of, any Instacart platform, or otherwise copying or facilitating the copying of portions of any Instacart platform, in excess of the license granted by the Terms of Service posted thereon;
3. Otherwise accessing and using any Instacart platform in excess of the license granted by the Terms of Service posted thereon;
4. Using or displaying any original or altered computer files, data, or other information including but not limited to images, package information, file names, metadata, and catalog information such as pricing, product information, and product availability, originating from scraping, at any time, any Instacart platform, on any platform operated by Cornershop or its affiliates.

5. For avoidance of doubt, the foregoing paragraphs shall not prohibit, by a natural person, the viewing, use of, or interaction with an Instacart platform through a browser or Instacart-provided mobile application.

6. Nothing in this Stipulated Order shall prevent Cornershop, Instacart, or its attorneys of record, expert witnesses, and others acting on behalf or for the benefit of Cornershop or Instacart from copying, accessing, or using any Instacart platform or any information or content therein solely for purposes of litigating this matter.

7. Cornershop hereby confirms, represents, and warrants that it has not provided, transferred, transmitted, or otherwise given any of Instacart's copyrighted images or images scraped from Instacart's platform, including without limitation those images identified in Exhibit S of the Romaniuk Declaration attached to Instacart's Motion for Preliminary Injunction, or any of Instacart's package information, file names, metadata, product descriptions, pricing information, catalog information, and data to any affiliate (for the avoidance of doubt, other than for purposes consistent with paragraph 6 above and other than through "posting" to the Internet as alleged in Instacart's complaint or as disclosed in Cornershop's filings in this litigation).

8. Cornershop hereby confirms, represents, and warrants it has complied with the foregoing and that it has changed its business procedures to ensure compliance with this Order.

9. Except insofar as necessary to enforce the terms of this Stipulated Order, nothing in this Stipulated Order shall be deemed to be or used as an admission or waiver of any claim or defense.

IT IS FURTHER ORDERED that Cornershop will allow The Berkeley Research Group ("BRG"), at Cornershop's expense, to forensically image all Instacart computer files, data, and information that Cornershop or any entity acting in active concert with Cornershop scraped or

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