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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
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7 KARL STORZ ENDOSCOPY-AMERICA,
8 INC.,

9 Plaintiff,

10 v.

11 STRYKER CORPORATION, et al.,

12 Defendants.

Case No. [14-cv-00876-RS](#) (JSC)

**ORDER GRANTING MOTION TO FILE
UNDER SEAL**

Re: Dkt. No. 261

13 Plaintiff Karl Storz-Endoscopy America, Inc. filed an administrative motion to file under
14 seal Exhibits A and B to a Joint Discovery Letter Brief. (Dkt. No. 261.)

15 The Ninth Circuit uses the “good cause” test for documents that a party obtained through
16 discovery and attached to a non-dispositive motion. *Kamakana v. City and County of Honolulu*,
17 447 F.3d 1172, 1179 (2006). Under Civil Local Rule 79–5(b) a party designating material as
18 confidential “must file a declaration as required by subsection 79–5(d)(1)(A) establishing that all
19 of the designated material is sealable.” *Id.* § 79–5(e)(1). “The work product doctrine, codified
20 in Federal Rule of Civil Procedure 26(b)(3), protects ‘from discovery documents and tangible
21 things prepared by a party or his representative in anticipation of litigation.’ ” *In re Grand Jury*
22 *Subpoena*, 357 F.3d 900, 906 (9th Cir. 2004).

23 Plaintiff argues that the documents are confidential. The Court has reviewed Exhibits A
24 and B in camera. Exhibit A, a legal analysis of whether Defendants’ camera infringes on a
25 number of patents, is attorney work product. At the hearing held on June 23, 2017, the parties
26 informed the Court that Exhibit B was a report prepared for attorneys. Therefore Exhibit B is an
27 attorney-client privileged communication.
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As a result, the Court concludes Exhibits A and B are attorney work product and grants Plaintiff's motion to file under seal.

This Order disposes of Docket No. 261.

IT IS SO ORDERED.

Dated: June 28, 2017



JACQUELINE SCOTT CORLEY
United States Magistrate Judge