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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 LOOP AI LABS INC,  
6 Plaintiff,

7 v.

8 ANNA GATTI, et al.,  
9 Defendants.  
10

Case No. [15-cv-00798-HSG](#) (DMR)

**ORDER GRANTING IN PART  
ALMAWAVE USA, INC.'S MOTION TO  
QUASH AND/OR FOR PROTECTIVE  
ORDER**

Re: Dkt. No. 168

11 Plaintiff Loop AI Labs Inc. (“Loop”) issued a subpoena to third party law firm Orrick,  
12 Herrington & Sutcliffe LLP (“Orrick”) seeking the production of 30 categories of documents  
13 related to Orrick’s former representation of and communications with Defendants Almwave  
14 USA, Inc. (“Almwave”), Almviva S.p.A., and Almwave S.r.l (together, the “Almviva  
15 entities”). In its responses and objections to the subpoena, Orrick objected that a number of the  
16 requests for production therein sought documents protected by the attorney-client privilege  
17 belonging either to Almwave S.r.l. or Almviva, or to Orrick itself. To the extent that the  
18 subpoena requested communications that could be subject to a claim of privilege asserted by  
19 Almwave S.r.l. or Almviva, Orrick forwarded those documents to counsel for the Almviva  
20 entities so that counsel could make any privilege determinations and object on those grounds.  
21 Almwave and Orrick then separately moved for a protective order and/or to quash Loop’s  
22 subpoena. [Docket Nos. 168 (Almwave’s motion); 169 (Orrick’s motion).] Loop opposed both  
23 motions. [Docket Nos. 176 (Opp’n to Orrick’s motion), 177 (Opp’n to Almwave’s motion).]

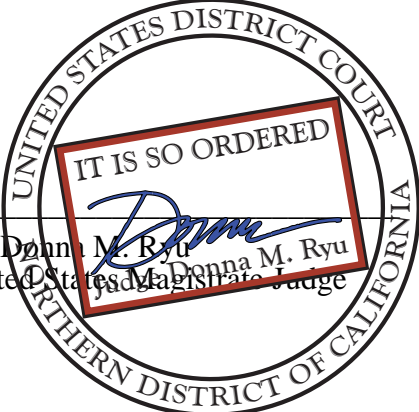
24 Following a hearing, the court ordered Almwave and Orrick to submit documents  
25 withheld on the basis of attorney-client privilege for in camera review, and ordered Almwave to  
26 highlight in its submission any proposed redactions to the documents. [Docket No. 323.] The  
27 court previously ruled on Orrick’s motion for a protective order and/or to quash Loop’s subpoena  
28 (Docket No. 430), and now enters the following order on Almwave’s motion.

1 Almawave timely lodged the documents at issue, which total over 4,000 pages. The court  
2 has reviewed each of the documents. The documents contain email communications between  
3 Orrick and its then-clients, the Almoviva entities, that were made for the purpose of obtaining or  
4 giving legal advice, as well as invoices and billing records for said representation. The court finds  
5 that Almawave’s proposed redactions are appropriate and justified. However, there are a number  
6 of attachments transmitted between the Almoviva entities and Orrick. The court has examined the  
7 attachments themselves, many of which the court finds are not “confidential communications  
8 between attorneys and clients, which are made for the purpose of giving legal advice.” United  
9 States v. Richey, 632 F.3d 559, 566 (9th Cir. 2011) (citation omitted). Those documents are:  
10 CTRL000073737-73745 (copy of patent application submitted to USPTO on 8/1/2014);  
11 CTRL000075205-75206 (USPTO patent application publication); CTRL000075212 (USPTO  
12 communication); CTRL000075656 (filed Articles of Incorporation); CTRL000074204 (Bureau of  
13 Economic Analysis guide); CTRL000074426-74427 (Stock Purchase Agreement, notice of  
14 issuance of stock); CTRL000074603 (executed agreement between Almawave and IQSystem,  
15 Inc.); CTRL000074367-74373 (attachment containing emails between Valeria Sandei and Tony  
16 Di Napoli); CTRL000073867 (executed agreement between Almawave and IQSystem, Inc.);  
17 CTRL000073870-73871 (executed agreement between Almawave and Tony Di Napoli);  
18 CTRL000073872-73873 (executed offer letter and agreement between Almawave and Anna  
19 Gatti); and CTRL000074053 (attachment containing emails between Valeria Sandei and Mario  
20 Pepe). Since these documents do not qualify as attorney-client privileged communications, they  
21 must be produced to Plaintiff. Accordingly, Almawave’s motion to quash and/or for a protective  
22 order is granted in part and denied in part. Almawave must produce to Plaintiff the redacted  
23 documents, as well as the individual documents listed above, within seven days of the date of this  
24 order.

25 **IT IS SO ORDERED.**

26 Dated: September 29, 2016

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Donna M. Ryu  
United States Magistrate Judge