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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE SUBPOENA TO INTEL
CORPORATION.

Case No. 23-mc-80292-SVK

**ORDER ON GLOBALFOUNDRIES’
MOTION TO COMPEL COMPLIANCE
WITH SUBPOENA TO INTEL
CORPORATION**

Re: Dkt. No. 1

Before the Court is GlobalFoundries US, Inc.’s (“GF”) motion to compel compliance with a subpoena served by GF on Intel Corporation in an underlying action pending in the Southern District of New York, *GlobalFoundries US Inc. v. International Business Machines Corp.*, S.D.N.Y. Case No. 23-cv-3348. Dkt. 1. GF and Intel have consented to the jurisdiction of a magistrate judge in this subpoena dispute. Dkt. 17, 22. The Court held an in-person hearing on December 13, 2023.

As discussed at the hearing, the record before this Court raises both factual issues (*e.g.*, the connection, if any, between “GF Controlled Trade Secrets” and the “IBM-Intel Partnership”) and legal issues (*e.g.*, the relevance, if any, of non-party Intel’s actual or planned use of GF’s alleged trade secrets). As a result, the Court has concerns under Rule 26 about the relevance and proportionality of the information sought by the subpoena, and GF has not demonstrated substantial need under Rule 45 for the confidential information sought from Intel.

Accordingly, GF’s motion to compel compliance with the subpoena to Intel is **DENIED** and the subpoena is **QUASHED**. This ruling is **WITHOUT PREJUDICE** to GF’s ability to serve a new subpoena on Intel. If a motion concerning a new subpoena to Intel comes before this Court, the Court will continue to evaluate the dispute under Rule 45(f) to determine whether transfer to the Southern District of New York is appropriate.

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Good cause appearing, the administrative motions for leave to file under seal at Dkt. 16, 24, 28, and 32 are **GRANTED**. See *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006).

SO ORDERED.

Dated: December 13, 2023



SUSAN VAN KEULEN
United States Magistrate Judge