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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 FORD GLOBAL TECHNOLOGIES,  
11 LLC,

12 Plaintiff,

13 v.

14 NEW WORLD INTERNATIONAL,  
15 INC., et al.,

Defendants.

CASE NO. C15-1329JLR

ORDER DENYING  
DEFENDANTS' MOTION TO  
TRANSFER OR QUASH AND  
AUTHORIZING NON-PARTY  
AMAZON.COM, INC. TO MAKE  
ITS PROPOSED PRODUCTION

16 **I. INTRODUCTION**

17 This matter comes before the court on Defendants New World International, Inc.,  
18 Auto Lighthouse Plus, LLC, and United Commerce Centers, Inc.'s (collectively,  
19 "Defendants") motion to transfer or, alternatively, quash or modify and limit the  
20 subpoena to non-party Amazon.com, Inc. ("Amazon") (*see* Mot. (Dkt. # 1)); Amazon's  
21 opposition to Defendants' motion (*see* Amazon Resp. (Dkt. # 3)); Plaintiff Ford Global  
22 Technologies, LCC's ("Ford") opposition to Defendants' motion (*see* Ford Resp. (Dkt.

1 # 5)); and Defendants’ reply memorandum (*see* Reply (Dkt. # 8)). The court has  
2 considered the foregoing, the balance of the record, and the relevant law. Being fully  
3 advised,<sup>1</sup> the court DENIES Defendants’ motion and AUTHORIZES Amazon to respond  
4 to Ford’s subpoena by making the limited production that Amazon has described in its  
5 opposition and supporting materials.

## 6 II. BACKGROUND

7 This matter concerns a subpoena issued out of the United States District Court for  
8 the Eastern District of Michigan (“the Eastern District of Michigan”) in a case in which  
9 Ford alleges that Defendants have infringed its design patents (“the Patent Case”). (*See*  
10 Mot. at 1-2); *Ford Global Techs., LLC v. New World Int’l, Inc.*, No. 2:15-cv-10394LJM-  
11 MJH (E.D. Mich.) (hereinafter “*Ford*”). Judge Laurie J. Michelson is presiding over the  
12 Patent Case. *See Ford*, Dkt. # 14. Early on in the Patent Case, Defendants filed a motion  
13 to dismiss challenging the existence of personal jurisdiction over them in Michigan. *See*  
14 *id.*, Dkt. # 27. Judge Michelson and the parties ultimately determined that a period of  
15 jurisdictional discovery was appropriate before the court resolved that issue. *See id.*  
16 Accordingly, Judge Michelson struck Defendants’ motion and authorized the parties to  
17 engage in discovery relevant to the issue of personal jurisdiction. *See id.* That  
18 jurisdictional discovery spawned the subpoena at issue here (“the Subpoena”), which  
19 Ford served on Amazon in an effort to learn about Defendants’ commercial activities

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22 <sup>1</sup> No party has requested oral argument, and the court deems oral argument unnecessary  
to the disposition of this motion. *See* Local Rules W.D. Wash. LCR 7(b)(4).

1 related to Michigan. (*See* Mot. at 1-4, Ex. B (“Subpoena”); Amazon Resp. at 2; Ford  
2 Resp. at 2-3.)

3 In its original form, the Subpoena sought a broad range of information, including  
4 various details regarding Amazon customers who have purchased Defendants’ products.  
5 (*See* Mot. at 2-4; Subpoena; Amazon Resp. at 2; Power Decl. (Dkt. # 4) ¶ 3, Ex. B  
6 (“Amazon Objections”).) Amazon objected to the Subpoena on multiple grounds. (*See*  
7 Amazon Resp. at 2; Amazon Objections.) Following negotiations, however, Ford and  
8 Amazon reached an agreement whereby Amazon would make a limited production  
9 consisting of data reflecting the product, date of order, quantity, and price for sales  
10 Defendants made via amazon.com to customers with billing or shipping addresses in  
11 Michigan (“the proposed production”). (*See* Amazon Resp. at 2; Power Decl. ¶ 5; Ford  
12 Resp. at 1-2.) Amazon was prepared to make the proposed production when Defendants  
13 filed the instant motion. (*See* Amazon Resp. at 2; Power Decl. ¶ 6.)

14 Defendants’ motion asks this court to transfer the Subpoena to the Eastern District  
15 of Michigan or, alternatively, quash the subpoena or modify it to further limit Amazon’s  
16 production. (*See* Mot. at 1-2; Reply.) Defendants object to the Subpoena on the basis  
17 that it seeks information outside what they characterize as “the appropriate scope of  
18 jurisdictional discovery.” (Mot. at 9.) Defendants appear to argue that Ford is entitled to  
19 conduct discovery only on the issue of specific personal jurisdiction, not general personal  
20 jurisdiction. (*See id.* at 9-10.) As such, Defendants believe that Amazon’s production  
21 should be limited to information regarding sales of allegedly infringing products to  
22 customers located in Michigan. (*See id.*) Defendants have raised their concerns on this

1 and related issues in the Patent Case in the form of a motion to limit jurisdictional  
2 discovery that is currently pending before Judge Michelson. (*See id.* 2, 6, 8-9); *Ford*,  
3 Dkt. # 36. Defendants state that they have standing to bring the present motion because  
4 they have a privacy interest in the information at issue. (*See id.* at 5-6.)

5 Amazon and Ford oppose Defendants' motion. As an initial matter, both point out  
6 that Defendants' motion fails to address the proposed production and instead concerns  
7 only the Subpoena prior to Amazon and Ford's agreement to limit production. (*See*  
8 *Amazon Resp.* at 5-6; *Ford Resp.* at 4-5.) In addition, Amazon asserts that transfer is  
9 inappropriate given the burden on Amazon of appearing in the Eastern District of  
10 Michigan. (*See Amazon Resp.* at 4-5.) Amazon further maintains that it should be  
11 permitted to make the proposed production without undertaking the burden of filtering  
12 the information on behalf of the parties. (*See Amazon Resp.* at 7-8.) Ford echoes this  
13 argument and contends that Defendants lack standing to challenge the Subpoena,  
14 particularly because the protective order in place in the Patent Case can address  
15 Defendants' privacy concerns.<sup>2</sup> (*See Ford Resp.* at 4-7.) Defendants' motion is now  
16 before the court.

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21 <sup>2</sup> On same day on which Defendants filed the instant motion, Judge Michelson signed the  
22 parties' "stipulated protective order for purposes of jurisdictional discovery only" and entered it  
as an order of the court. *See Ford*, Dkt. # 31.

### III. DISCUSSION

#### A. Motion to Transfer

Defendants first request that the court transfer the Subpoena to the Eastern District of Michigan. Pursuant to Federal Rule of Civil Procedure 45, disputes involving subpoenas are generally resolved in the district where compliance is sought (“the compliance court”). *See* Fed. R. Civ. P. 45(d)(2)(B), (d)(3), (e)(2)(B), (f); *see also* Fed. R. Civ. P. 45(f) advisory comm. n. (2013). Nevertheless, the compliance court may transfer the subpoena to the issuing court if the entity from whom compliance is sought consents to transfer or if extraordinary circumstances warrant transfer. *See* Fed. R. Civ. P. 45(f). In deciding whether extraordinary circumstances warrant transfer, the compliance court may consider a variety of factors, including “[case] complexity, procedural posture, duration of pendency, and the nature of the issues pending before, or already resolved by, the issuing court in the underlying litigation.” *Judicial Watch, Inc. v. Valle Del Sol, Inc.*, 307 F.R.D. 30, 34 (D.D.C. 2014); *see also* Fed. R. Civ. P. 45(f) advisory comm. n. (2013).

The court concludes that transfer is not appropriate here. First, Amazon does not consent to transfer of the Subpoena to the Eastern District of Michigan. (*See* Amazon Resp. at 1 n.1.) Second, the court finds no exceptional circumstances that would merit transfer. Indeed, Defendants make no argument for exceptional circumstances other than that Judge Michelson may soon rule on the appropriate scope of jurisdictional discovery. (*See* Mot. at 2, 6, 8-9.) As discussed below, however, this court need not rule on that issue in order to dispose of the present dispute. *See infra* Part III.B. As such, there is

1 little risk of inconsistent rulings or of this court’s decision disrupting Judge Michelson’s  
2 management of the Patent Case. *See Judicial Watch*, 307 F.R.D. at 34; *see also* Fed. R.  
3 Civ. P. 45(f) advisory comm. n. (2013). Furthermore, nothing else in the record before  
4 the court suggests that exceptional circumstances exist here. The court therefore denies  
5 Defendants’ request for transfer.

6 **B. Motion to Quash or Modify**

7 In the alternative, Defendants request that this court quash or modify the  
8 Subpoena. (*See* Mot. at 9-10.) The basis for this request is not entirely clear.

9 Defendants’ primary argument appears to be grounded in a relevancy—that is, that the  
10 materials sought are outside the scope of jurisdictional discovery. (*See id.*; Reply at 4.)

11 On the other hand, Defendants also argue that they have a privacy interest in the materials  
12 sought, thereby suggesting a confidentiality or privilege objection. (*See* Mot. at 5.-6.)

13 Neither argument affords a basis for Defendants to quash or modify the Subpoena.

14 As an initial matter, because Amazon has not objected to the Subpoena as  
15 modified, Defendants lack standing to quash or modify the Subpoena on the grounds that  
16 the Subpoena is overbroad or seeks irrelevant information. *See Rankine v. Roller*

17 *Bearing Co. of Am.*, No 12CV2065-IEG BLM, 2013 WL 3992963, at \*4 (S.D. Cal. Aug.

18 5, 2013) (citing *Wells Fargo & Co. v. ABD Ins.*, No. C 12-03856 PJH (DMR), 2012 WL  
19 6115612, at \*2 (N.D. Cal. Dec. 10, 2012) (“A party’s objection that a subpoena to a

20 non-party seeks irrelevant information or would impose an undue burden are not grounds  
21 on which a party has standing to move to quash a subpoena when the non-party has not

22 objected.”)); Fed. R. Civ. P. 45(d)(3). Accordingly, Defendants’ only cognizable basis

1 for quashing the Subpoena is that it seeks privileged and/or confidential information. *See*  
2 Fed. R. Civ. P. 45(d)(3); *Rankine*, 2013 WL 3992963, at \*4.

3 Defendants assert that they “have a personal interest and legitimate privacy  
4 interest in the materials sought.” (Mot. at 5-6.) As Ford and Amazon correctly point out,  
5 however, Defendants fail to demonstrate how or why the protective order entered in the  
6 Patent Case will not adequately address Defendants’ privacy interests. *Rankine*, 2013  
7 WL 3992963, at \*4. The protective order specifically contemplates third-party discovery  
8 and provides that the any materials produced during the course of jurisdictional discovery  
9 may be designated “CONFIDENTIAL” or “ATTORNEYS’ EYES ONLY.” *See Ford*,  
10 Dkt. # 31, ¶¶ 3-5, 18-19. Amazon has stated that it will designate all materials in the  
11 proposed production as “CONFIDENTIAL” pursuant to the protective order. (*See Power*  
12 Decl. ¶ 6.) The court therefore finds that the protective order adequately addresses  
13 Defendants’ privacy concerns. *Rankine*, 2013 WL 3992963, at \*4. Consequently, the  
14 court denies Defendants’ motion to quash or modify the Subpoena.

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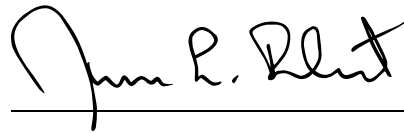
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1 **IV. CONCLUSION**

2 For the foregoing reasons, the court DENIES Defendants’ motion to transfer or, in  
3 the alternative, quash or modify the Subpoena to Amazon (Dkt. # 1). The court  
4 AUTHORIZES Amazon to make its proposed production as described in Amazon’s  
5 opposition and supporting materials. Amazon shall produce data reflecting the product,  
6 date of order, quantity, and price for sales Defendants made via amazon.com to  
7 customers with billing or shipping addresses in Michigan. Amazon shall designate all of  
8 this material “CONFIDENTIAL” under the protective order entered in the Patent Case.

9 The court DIRECTS the Clerk to close this matter.

10 Dated this 27th day of October, 2015.

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14 JAMES L. ROBART  
15 United States District Judge  
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