

1 THE HONORABLE JOHN C. COUGHENOUR

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

10 In the Matter of the Application of  
11 LUFTHANSA TECHNICK AG, Petitioner, for  
12 an Order Pursuant to 28 U.S.C. § 1782 to Take  
13 Discovery, Pursuant to the Federal Rules of  
14 Civil Procedure, of Respondent PANASONIC  
AVIONICS CORPORATION, for Use in  
Foreign Proceedings, with ASTRONICS  
ADVANCED ELECTRONIC SYSTEMS as  
Intervenor.

CASE NO. C17-1453-JCC

ORDER

15 This matter comes before the Court on Petitioner Lufthansa Technik AG's additional  
16 ("Lufthansa") petition for a discovery order pursuant to 28 U.S.C. § 1782 (Dkt. No. 120) and the  
17 parties' motions to seal (Dkt. Nos. 136, 140). Having thoroughly considered the briefing and the  
18 relevant record, the Court finds oral argument unnecessary and hereby DENIES the petition for  
19 discovery (Dkt. No. 120) and GRANTS the motions to seal (Dkt. Nos. 136, 140) for the reasons  
20 explained herein.

21 The Court has previously set forth the factual background of this case and relevant legal  
22 standards and will not repeat them here. (*See* Dkt. Nos. 39, 80.) Lufthansa now seeks additional  
23 section 1782 discovery from Respondent Panasonic Avionics Corporation ("Panasonic") for use  
24 in its ongoing patent infringement proceedings in Germany and the U.K. (*See generally* Dkt. No.  
25 120). Specifically, Lufthansa seeks documents and testimony regarding products manufactured  
26 by Panasonic and incorporated into, or sold to accompany, 110V In-Seat Power Systems

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1 delivered for installation in the U.K. and Germany. (*Id.* at 35, 41.)

2 Lufthansa indicates that it needs the information because German courts have found AES  
3 liable for indirect sales of products containing its technology, a U.K. court has found Panasonic  
4 liable for sales of its products containing AES's infringing technology, and Lufthansa can seek  
5 damages for the sale of peripheral parts sold with AES's infringing technology. (Dkt. No. 120 at  
6 7.) But the proposed subpoenas *exclude* systems or parts manufactured by AES. (*See id.* at 35,  
7 41.) They only seek information on parts produced by Panasonic if combined with *any* 110V In-  
8 Seat-Power System. (*Id.*) This is not sufficient to establish a nexus between the European patent  
9 infringement proceedings, based on AES's infringement of Lufthansa's power technology, and  
10 the sale of Panasonic products, if combined with a 110V In-Seat-Power System. Accordingly,  
11 the Court FINDS that the relevant factors weigh against Lufthansa's petition. *See Intel Corp. v.*  
12 *Advanced Micro Devices, Inc.*, 542 U.S. 241, 244 (2004).

13 Panasonic and Lufthansa also move to maintain under seal unredacted versions of certain  
14 declarations and exhibits supporting their briefing on Lufthansa's petition. (*See* Dkt. Nos. 136,  
15 140.) "[T]here is a strong presumption of public access to [the Court's] files." W.D. Wash. Local  
16 Civ. R. 5(g)(3). To overcome that presumption, a party must show "good cause" for sealing a  
17 document attached to a non-dispositive motion and "compelling reasons" to seal a document  
18 attached to a dispositive motion. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172,  
19 1178–81 (9th Cir. 2006). The documents filed under seal (Dkt. Nos. 135, 141) contain sensitive  
20 proprietary information that falls within the scope of the protective orders entered in this case.  
21 (*See* Dkt. Nos. 85, 117.) The Court FINDS that there exists a compelling reason to seal these  
22 items and that this reason overcomes the presumption of public access.

23 Accordingly, Lufthansa's additional petition for section 1782 discovery (Dkt. No. 120) is  
24 DENIED without prejudice and the parties' motions to seal (Dkt. Nos. 136, 140) are GRANTED.  
25 The Clerk is DIRECTED to maintain Docket Numbers 135 and 141 under seal.  
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1 DATED this 22nd day of June 2021.

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5 John C. Coughenour  
6 UNITED STATES DISTRICT JUDGE  
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