United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

In Re QUALCOMM ANTITRUST LITIGATION,

Case No. 17-md-02773 LHK (NC)

Re: ECF 150

Case No. 17-cv-0220 LHK (NC)

Re: ECF 226, 231, 235

ORDER ON DISCOVERY DISPUTE

This order follows supplemental briefing by Qualcomm and Apple on two related discovery issues: (1) the interim deadlines for production of documents by Apple to Qualcomm; and (2) search term strings to be used by Apple in identifying responsive documents. Having reviewed the briefs, including a "corrected" brief filed out of time by Apple (ECF 231), the Court rules as follows.

1. ***Interim Production Deadlines.***

The Court previously set December 15, 2017, as the deadline for Apple's "substantial completion" of its document production to Qualcomm. The Court now sets additional deadlines. On November 3, November 17, and December 1, Apple must file and serve a status report specifically describing the document production status and identifying any disputes. By November 17, 2017, as suggested by Qualcomm, Apple must

(a) complete its review of 50% of the total number of documents hit by the search terms; and (b) complete its production of all the responsive documents appearing in that 50%. The Court declines Qualcomm's request that Apple prioritize specific custodians, given that Qualcomm has asked for documents from many custodians.

2. ***Apple's Search Terms Objections.***

The Court is not persuaded by Apple's belated assertions of burden. Apple has had months to run its search metrics and to propose a workable solution. Apple is therefore ordered to use Qualcomm's proposed search term strings (Ex. 1 to Oct. 10, 2017 joint discovery statement), as modified to include date ranges by an email from Qualcomm's counsel to Apple's counsel dated October 11. *See* FTC Dkt. 235-4 at 2.

No fees or costs are awarded in connection with this discovery dispute. The Court will address the corresponding motions to seal in separate orders.

IT IS SO ORDERED.

Dated: October 18, 2017

NATHANAEL M. COUSINS
United States Magistrate Judge

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