United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QUALCOMM INC.,

Defendant.

Case No. 17-cv-00220 LHK (NC)

DISCOVERY ORDER RE: QUALCOMM INTERROGATORIES

Re: Dkt. No. 434

To close out the year, the FTC and Qualcomm present a discovery dispute concerning how many interrogatories the FTC should be required to answer. Dkt. No. 434. The specific interrogatories are attached to the letter brief. Federal Rule of Civil Procedure 33(a) imposes limits on the number of interrogatories "including all discrete subparts" that may be asked absent court order. Here, the parties disagree in their counting of Qualcomm's interrogatories. Are the subparts of Qualcomm's interrogatories subsumed within the primary question (as Qualcomm asserts), or discrete questions (as the FTC asserts)?

If the Court were focused on the technical question only, it would find that Qualcomm has the better argument, but that reasonable minds could differ. But the Court has a broader interest. The Court may grant additional interrogatories in the interest of justice. Here, in weighing the usefulness of these interrogatories against the burden of

responding to them, the Court finds that there is good cause for the FTC to respond to all 13 interrogatories and their subparts. Accordingly, the FTC is ordered to answer all the interrogatories by January 8, 2018. In reaching this conclusion, the Court rejects the notion that Qualcomm's interrogatories are premature.

IT IS SO ORDERED.

Dated: December 31, 2017

NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
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