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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FEDERAL TRADE COMMISSION

Plaintiff,

v.

QUALCOMM INCORPORATED, a Delaware corporation,

Defendant.

IN RE QUALCOMM ANTITRUST LITIGATION

Case No. 5:17-cv-00220-LHK; No. 5:17-md-02773-LHK

DECLARATION OF MARK A. FORD IN SUPPORT OF NON-PARTY INTEL CORPORATION'S POSITION STATEMENT ON DEPOSITIONS

DECLARATION OF MARK A. FORD IN SUPPORT OF NON-PARTY INTEL CORPORATION'S POSITION STATEMENT ON DEPOSITIONS

1. I am member of the Bar of the Commonwealth of Massachusetts (BBO #659009), and admitted *pro hac vice* in this action. I am a partner at the law firm Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Non-Party Intel Corporation ("Intel") in the above-captioned matter. I provide this declaration in support of Intel's position statement regarding the length of depositions of Intel's current and former employees. This declaration is based on personal knowledge of the matters set forth herein.

2. On March 28, 2016, Dana Hayter provided investigational hearing testimony before the Federal Trade Commission ("FTC").

3. On March 29, 2016, Asha Keddy provided investigational hearing testimony before the FTC.

4. March 30, 2016, Alexander Straub provided investigational hearing testimony before the FTC.

5. On September 15, 2016, Aichatou Evans provided investigational hearing testimony before the FTC.

6. The transcripts of the FTC investigational hearing testimony of Evans, Hayter, Keddy, and Straub are a cumulative 465 pages.

7. Intel produced over 1.4 million documents in response to Qualcomm's document requests.

8. To date, Qualcomm has served deposition subpoenas on the following current or former Intel employees, each of whom has agreed to be deposed or whom Intel has agreed to make available: Kevin Constantine, Mark Davis, Hermann Eul, Dana Hayter, Aicha Evans, Asha Keddy, and Stefan Wolff.

9. Qualcomm requested the deposition of former Intel employee Thomas Leuftner, but Mr. Lueftner is a former employee who resides outside the subpoena power of the Court.

10. Qualcomm has also requested that Intel make available for deposition Thomas Lindner, a current Intel employee, who resides in Germany.

11. Qualcomm has also served deposition subpoenas on former Intel employee Michael Bell, who asserts that his deposition would be unduly burdensome, minimally relevant, and cumulative. Intel and Qualcomm are currently discussing Mr. Bell's request that Qualcomm withdraw the subpoena and Mr. Bell's potential motion to quash.

12. In an email on Friday, January 26, 2018, counsel for Qualcomm Antony Ryan informed me that Qualcomm would require only five (5) hours for Mr. Hayter's deposition, which is taking place on January 31, 2018, and that Plaintiffs would share the remaining two (2) hours.

13. During a meet and confer on Monday, January 29, 2018, Qualcomm stated that it may subpoena at least one additional Intel witness.

14. During a telephonic meet and confer on Monday, January 29, 2018, and discussions with me on or around Friday, January 26, Plaintiffs stated that they were willing to share a single day with Qualcomm for all Intel witnesses and were willing to negotiate with Qualcomm how to divide that time.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is executed on this 30th day of January 2018 in Massachusetts.

By: /s/ Mark A. Ford
Mark A. Ford

FILER'S ATTESTATION

I, Antony L. Ryan, am the ECF user whose identification and password are being used to file this Declaration of Mark A. Ford in Support of Non-Party Intel Corporation's Position Statement on Depositions. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatories on this document have concurred in this filing.

/s/ Antony L. Ryan

Antony L. Ryan