UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QUALCOMM INC.,

Defendant.

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

**ORDER GRANTING IN PART AND DENYING IN PART QUALCOMM'S REQUEST TO COMPEL FTC INTERROGATORY RESPONSES**

Re: Dkt. No. 623

Before the Court is Qualcomm's request to compel amended responses by the FTC to two contention interrogatories. In the interest of judicial efficiency, the Court rules immediately and without need for a hearing. The specific interrogatory requests and responses are attached to the discovery letter brief and are only summarized here. Dkt. Nos. 623, 624.

In interrogatory request no. 5(e), Qualcomm seeks "the date, if any, on which each product identified … [the identified relevant products] ceased to be within the relevant product market, and a detailed description of why that is the date the product ceased to be in the relevant product market." The FTC's answer states that "the FTC does not know the date on which each discontinued product was discontinued . . . [and] does not know the

date on which [relevant products] was no longer considered for inclusion within flagship or premium tier handsets." Dkt. No. 623 at 5.

The Court finds that the FTC has answered the interrogatory sufficiently. If, however, the FTC later learns additional or corrective information that has not otherwise been disclosed, it must supplement its response in accordance with Rule 26(e).

In interrogatory request no. 13, Qualcomm asks the FTC to identify "specific instances in which a rival baseband processor supplier incurred increased costs caused by any [anticompetitive] conduct of Qualcomm, identify the amount of any such increased costs, and provide all facts concerning or supporting your response." The FTC's core answer is that "The tax imposed by Qualcomm represents an economic cost to all rival baseband processor suppliers." Dkt. No. 623 at 6.

The Court agrees with Qualcomm that (1) this interrogatory requests relevant information, and (2) the FTC's response is a legal generality, where specific facts are requested. Therefore, the FTC is ordered to amend its response to request no. 13 by March 23, providing specific facts and identifying specific rivals and specific costs.

No costs or fees are awarded.

**IT IS SO ORDERED.**

Dated: March 16, 2018

NATHANAEL M. COUSINS
United States Magistrate Judge

United States District Court
Northern District of California