United States District Court
Northern District of California

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

QUALCOMM INC.,

Defendant.

IN RE QUALCOMM ANTITRUST LIT.

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

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

ORDER ON QUALCOMM-APPLE DISCOVERY ISSUES FOLLOWING MARCH 23 STATUS REPORT; SETTING HEARING MARCH 28

Re: Dkt. No. 647 (in -220), 405 (in -2773)

Upon review of the March 23 joint discovery status report filed by Qualcomm and Apple, the Court orders:

- As to Qualcomm's request for Apple to identify or produce a specific document identified in a declaration, Apple must produce or identify the document by March 28 at noon, or must explain in the March 30 status report why it has not done so. Report, 2:21-24.
- As to Apple's clawback of two documents (22482289-96 and 4898-4906), challenged by Qualcomm at Report 3:6-11, Qualcomm must provide the documents and declarations referenced in the status report to the Court by March 28 at noon, for in camera review. Apple may file a supplemental report in support

of clawback by that same deadline. The Court will hold a hearing at 3:00 p.m. on March 28 in courtroom 7 to resolve this clawback dispute. Counsel may participate by phone upon advance notice to my courtroom deputy.

- As to 728 entries on Apple's privilege log that Qualcomm challenges based on the fact that a third party sent or received the document, Apple must produce to Qualcomm any non-privileged documents and revise and serve its updated privilege log as to these entries by March 28 at noon. The Court will check on this issue at the March 28 hearing.
- Apple must produce the log of non-responsive documents referenced at Report 4:11-15 by March 30.
- Qualcomm and Apple must continue to confer about privilege log disputes (if any) and summarize the disputes in the March 30 status report.
- The Court acknowledges that these are short deadlines. Fact discovery closes March 30.

IT IS SO ORDERED.

Dated: March 26, 2018

NATHANAEL M. COUSINS
United States Magistrate Judge

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