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QUALCOMM INCORPORATED

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FEDERAL TRADE COMMISSION Plaintiff, v. QUALCOMM INCORPORATED, a Delaware corporation, Defendant.	Case No. 5:17-cv-00220-LHK-NMC **NOTICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 44.1 OF INTENT TO RAISE ISSUES OF FOREIGN LAW**
IN RE QUALCOMM ANTITRUST LITIGATION	Case No. 5:17-md-02773-LHK-NMC

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD

Please take notice that, pursuant to Federal Rule of Civil Procedure 44.1, Defendant Qualcomm Incorporated ("Qualcomm") hereby gives notice regarding issues of French law that may arise in connection with this proceeding.

Qualcomm intends to raise issues of French law in response to claims from the FTC and the Class Plaintiffs that concern fair, reasonable and non-discriminatory ("FRAND") licensing practices. Qualcomm has made written commitments under the Intellectual Property Rights Policy ("IPR Policy") of the European Telecommunications Standards Institute ("ETSI") to license standard essential patents on FRAND terms. By its terms, ETSI's IPR Policy is "governed by the laws of France", ETSI Rules of Procedure, Annex 6, cl. 12, so French law governs Qualcomm's ETSI FRAND commitments.

Pursuant to Rule 44.1, and to assist the Court in this regard, Qualcomm intends to submit the expert report of Professor Bénédicte Fauvarque-Cosson, an attorney qualified to practice law in France and a professor at Université Paris 2 Panthéon-Assas.

Dated: May 11, 2018

Respectfully submitted,

By: */s/ Gary A. Bornstein*

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