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UNITED STATES DISTRICT COURT

Northern District of California

CIVIL MINUTES

Date: May 24, 2018 **Time:** 1 hour, 50 mins **Judge:** NATHANAEL M. COUSINS

Case No. 17-cv-00220-LHK **Case Name:** Federal Trade Commission v. Qualcomm Incorporated

Case No. 17-md-02773 LHK **Case Name:** In Re Qualcomm Antitrust Litigation

Attorneys for Qualcomm: Yonatan Even, Geoffrey Holtz, Cody Harris

Attorney for FTC: Daniel Matheson

Attorney for MDL Plaintiffs: Rio Pierce

Attorney for Apple, Inc.: Edward Takashima

Attorneys for Ingram Micro, Inc., SYNNEX Corp.: Daniel Sasse, Paul Sung

Deputy Clerk: Lili Harrell **FTR Time: 2:48pm–3:55pm 4:11pm-4:54pm**

PROCEEDINGS

Discovery Hearing held:

Topic 1 (ECF Nos. 450, 455, 457 in '2773)

- MDL plaintiffs vs. Synnex/Ingram/Brightpoint
- Production of SKUs by third parties Brightpoint/Ingram/Synnex
- Ruling:
    - MDL plaintiffs' request for additional production of data is GRANTED, with discovery found to be relevant, with parties instructed to confer further about the scope of additional production.
    - Production is subject to protective order
    - Plaintiffs to compensate responding parties for reasonable hard costs of additional production

Topic 2 (ECF No. 468 in '2773)

- MDL plaintiffs vs. Qualcomm
- Motion to compel production of transactional data tables
- Ruling:
    - Granted in part. By 6/8, Qualcomm to produce the 8 tables identified, along with a letter summarizing the information presented in tables
    - MDL plaintiffs get one week, until 6/15, to follow up with reasonable questions

Topic 3 (ECF No. 467 in '2773)

- MDL plaintiffs vs. Qualcomm
- Production of financial planning analysis materials
- Ruling:
    - Granted in part. Qualcomm to search the 24 folders (out of 36) it identified using the MDL plaintiffs' search terms and produce responsive non-privileged materials by June 15.

Topic 4 (ECF No. 469 in '2773)

- MDL plaintiffs vs. Qualcomm
- Interrogatory No. 20

Ruling: Granted in part. By 6/7, Qualcomm to provide declaration, under penalty of perjury, by witness with knowledge, attesting to information

Topic 5 (ECF No. 742 in '220)

- FTC vs. Qualcomm
- Interrogatory No. 4 – metrics for assertion of patent portfolio value
- Ruling: Granted in part, with response deferred. Qualcomm must supplement its response to Interrogatory No. 4 on the same date as its expert report disclosure.

Topic 6 (ECF No. 743 in '220)

- FTC vs. Qualcomm
- Interrogatory No. 19 – basis for selecting five iPads in price analysis
- Ruling: Request DENIED, without prejudice to raising the issue during expert discovery.

Topic 7 (ECF No. 745-3 in '220)

- Apple vs. Qualcomm
- Common interest privilege with third parties
- Ruling:
    - DEFERRED, to allow third parties time to respond
    - As yet, unpersuaded that common interest privilege exists
    - By 6/1, parties to file joint discovery letter brief, with attachments permitted
    - Next status report is set for 6/4