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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

QUALCOMM INCORPORATED,	)	Case No. 05cv1958-B (BLM)
	)	
Plaintiff,	)	<b>ORDER VACATING DATES AND</b>
	)	<b>DECLINING TO RULE ON MOTIONS</b>
v.	)	<b>PENDING OUTCOME OF APPEAL</b>
	)	
BROADCOM CORPORATION,	)	
	)	
Defendant.	)	
_____	)	
	)	
BROADCOM CORPORATION,	)	
	)	
Counterclaimant,	)	
	)	
v.	)	
	)	
QUALCOMM INCORPORATED,	)	
	)	
Counterdefendant.	)	
_____	)	

On May 5, 2008, Qualcomm Incorporated ("Qualcomm") filed a notice of appeal of Judge Brewster's March 5, 2008 "Order Remanding in Part Order of Magistrate Court re Motion for Sanctions Dated 1/07/08." Doc. No. 790. On May 19, 2008, attorneys Batchelder, Mammen, Leung and Patch filed notices of cross appeal. Doc. Nos. 797, 798.

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1 As a result of the appeal and cross appeals, jurisdiction has been  
2 transferred from this Court to the United States Court of Appeals for  
3 the Federal Circuit. This Court, therefore, lacks jurisdiction to  
4 conduct further proceedings. See Griggs v. Provident Consumer Discount  
5 Co., 459 U.S. 56, 58 (1982) (“[t]he filing of a notice of appeal is an  
6 event of jurisdictional significance-it confers jurisdiction on the  
7 court of appeals and divests the district court of its control over  
8 those aspects of the case involved in the appeal”) and Natural Resources  
9 Defense Council v. Southwest Marine Inc., 242 F.3d 1163, 1166 (9th Cir.  
10 2001) (“[t]his rule is judge-made; its purpose is to promote judicial  
11 economy and avoid the confusion that would ensue from having the same  
12 issues before two courts simultaneously”). Accordingly, all pending  
13 briefing and hearing dates before this Court are **vacated** and the Court  
14 will refrain from ruling on the pending motions until after the Federal  
15 Circuit has addressed the appeal and, if it finds it appropriate to do  
16 so, remanded the case back to the district court.

17 **IT IS SO ORDERED.**

18 DATED: May 29, 2008

19 

20 BARBARA L. MAJOR  
21 United States Magistrate Judge

22  
23  
24 COPY TO:

25 HONORABLE RUDI M. BREWSTER  
26 U.S. DISTRICT JUDGE

27 ALL COUNSEL  
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