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7 OTHER PARTIES AND ATTORNEYS LISTED
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9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11
12 QUALCOMM INCORPORATED,

13 Plaintiff,

14 v.

15 BROADCOM CORPORATION,

16 Defendant.

Case No. 05CV1958-B (BLM)

**DISCOVERY PLAN JOINTLY PROPOSED
BY THE RESPONDING ATTORNEYS
AND BROADCOM¹ (AMENDED PER
COURT INSTRUCTION TO CORRECT
SIGNATURE FORMAT ONLY)**

**(Rule 26(f) of the Federal Rules of Civil
Procedure)**

17
18
19 AND RELATED COUNTERCLAIMS.

20 Consistent with the Court's authorization and pursuant to Rule 26(f), counsel for
21 Qualcomm, Broadcom, and the Responding Attorneys met-and-conferred by telephone on April
22 1, 2008 to discuss a discovery plan in preparation for the evidentiary hearing ordered by the
23 Court. On the basis of that conference, the Responding Attorneys and Broadcom (but not

24
25 ¹ Qualcomm has asked that the following footnote be added to this proposed Discovery Plan:
26 "Qualcomm has indicated that it has no objection to the dates proposed in the discovery plan.
27 Qualcomm reserves its rights, however, to contest the volume and scope of discovery requested
28 of it. Qualcomm has further advised the [Responding] Attorneys and Broadcom that it intends to
file motions relating to the procedures governing the use and disclosure of its privileged
materials, including whether Broadcom may be given access to Qualcomm's privileged
information. Qualcomm reserves all rights relating to such issues, including the right to seek
appellate review and, if necessary, a stay of proceedings pending such review."

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1 Qualcomm -- see footnote 1) jointly propose the discovery schedule set forth below. In the
2 schedule below, for convenience only, the Responding Attorneys, Broadcom, and Qualcomm
3 shall be collectively referred to as the "Parties."

4 1. April 15, 2008: The Parties will present their requests for documents to each
5 other, and will serve subpoenas duces tecum upon third parties for the production of documents,
6 on or before April 15, 2008.

7 2. May 15, 2008: The Parties and third parties will produce the requested documents
8 on or before May 15, 2008. Broadcom and the Responding Attorneys anticipate that a substantial
9 volume of documents will need to be located, assembled, and produced. Most of those
10 documents will be in an electronic format and will have to be retrieved from multiple sources.

11 3. June 15, 2008: The Parties will need 30 days to review, analyze and sort the
12 anticipated large volume of documents produced by other Parties and third parties. On June 15,
13 2008, at the end of that 30 day period, the Parties will designate the witnesses whom they want to
14 depose.

15 4. June 30, 2008: Having reviewed the documents and designated the deponents, the
16 Parties will ascertain the availability of counsel and the witnesses to attend the depositions on
17 particular dates. The Parties will meet-and-confer by telephone on June 30, 2008 to set a
18 deposition schedule. The Parties acknowledge the difficulty of scheduling depositions over the
19 summer months, particularly because of prearranged vacation commitments of witnesses and the
20 large number of counsel who will attend the depositions. To the extent possible, the Parties will
21 try to schedule the depositions in groupings of five or more.

22 5. September 15, 2008: The Parties will take the depositions (estimated to be 15) and
23 receive back the transcripts between July 1 and September 15, 2008. Again, the Parties are trying
24 to be realistic in terms of timing because of the difficulties of scheduling and taking depositions
25 over the summer.

26 6. October 15, 2008: All Parties will have 30 days after the deadline for completion
27 of the depositions in which to simultaneously file briefs and declarations.

28 7. October 30, 2008: The Responding Attorneys will have an additional 15 days to

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1 take such further depositions as are necessary to address conflicts in the evidence first appearing
2 in the declarations filed pursuant to Paragraph 6 above, and to file supplemental declarations and
3 limited additional materials responsive to declarations or briefs filed by Broadcom or Qualcomm.

4 8. The Parties shall not be allowed to present live testimony at the evidentiary
5 hearing from any witness who has not previously submitted a declaration or been deposed in the
6 OSC proceedings.

7 9. The hearing date can be set at the Court's convenience after the Court sees the
8 nature and volume of the Parties' submissions.

9 10. Any date set forth above may be extended by the Court upon a showing of good
10 cause.

11 DATED: April 2, 2008

WILMER HALE
MCKENNA LONG & ALDRIDGE LLP

12 By: /s/ Kate Saxton
13 KATE SAXTON

14 Attorneys for Broadcom Corporation

15 DATED: April 2, 2008

SHARTSIS FRIESE LLP

16 By: /s/ Joel Zeldin
17 JOEL ZELDIN

18 Attorneys for Non-Parties
19 JAMES R. BATCHELDER, CHRISTIAN E.
20 MAMMEN, and KEVIN K. LEUNG

21 DATED: April 2, 2008

CHAPMAN, POPIK & WHITE LLP

22 By: /s/ Merri Baldwin
23 MERRI BALDWIN

24 Attorneys for Non-Party ADAM BIER

25 DATED: April 2, 2008

KERR & WAGSTAFFE LLP

26 By: /s/ Adrian Sawyer
27 ADRIAN SAWYER

28 Attorneys for Non-Party LEE PATCH

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DATED: April 2, 2008

KIRBY NOONAN LANCE & HOGE LLP

By: /s/ David Noonan

DAVID NOONAN

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