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QUALCOMM INCORPORATED  
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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA

10 QUALCOMM INCORPORATED,  
11 Plaintiff,  
12 v.  
13 BROADCOM CORPORATION,  
14 Defendant.

05 CV 1958 B (BLM)

**QUALCOMM INCORPORATED'S REPLY  
TO BROADCOM CORPORATION'S  
RESPONSE TO OBJECTIONS OF  
RESPONDING ATTORNEYS TO  
SANCTIONS ORDER OF MAGISTRATE  
JUDGE**

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16 BROADCOM CORPORATION,  
Counterclaimant,  
17 v.  
18 QUALCOMM INCORPORATED,  
19 Counterdefendant.  
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Date: No Hearing Date Assigned  
Judge: Hon. Rudi M. Brewster

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1 Qualcomm Incorporated (“Qualcomm”) respectfully submits the following points and  
2 authorities in reply to Broadcom Corporation’s Response to Objections of Responding Attorneys  
3 to Sanctions Order of Magistrate Judge (“Response to Objections”):

4 On January 7, 2008 the Magistrate Judge issued an Order Granting in Part and Denying in  
5 Part Defendant Broadcom’s Motion for Sanctions (“Sanctions Order”). Qualcomm accepted the  
6 sanctions imposed by the Magistrate Judge and did not appeal or file any objections to the  
7 Sanctions Order. Qualcomm has now paid to Broadcom the full amount of the \$8,568,633.24  
8 monetary sanction ordered by the Magistrate Judge. Qualcomm is also participating in good faith  
9 in the CREDO process that was prescribed in the Sanctions Order.

10 Broadcom did not appeal or file objections to the Sanctions Order. Moreover, although  
11 Qualcomm’s former outside litigation counsel—those to whom the Sanctions Order refers as the  
12 “Sanctioned Attorneys” — have filed certain objection to the Sanctions Order insofar as it relates  
13 to them, Broadcom never requested that sanctions be imposed on these individual attorneys in the  
14 first place. Accordingly, Broadcom has no basis for (a) complaining about Qualcomm's  
15 compliance with the Sanctions Order since Qualcomm has in good faith done everything ordered  
16 by the Magistrate Judge; or (b) “responding” to any objections to the Sanctions Order since those  
17 objections were filed only by the individual attorneys — not Qualcomm — and Broadcom did not  
18 even seek sanctions against the individual attorneys.

19 Broadcom has nonetheless filed a “Response” to the objections filed by the individual  
20 attorneys in which Broadcom suggests that it might be appropriate for this Court to refer certain  
21 issues back to the Magistrate Judge so that the Magistrate Judge could consider additional  
22 sanctions against Qualcomm. Qualcomm respectfully suggests that any such action is  
23 unwarranted and would be improper. The Magistrate Judge has conducted extensive proceedings  
24 related to sanctions and, throughout this process, there has never been any suggestion that the  
25 Magistrate Judge considered herself constrained by any lack of authority or wished to order any  
26 sanction against Qualcomm beyond the sanctions actually imposed — which Qualcomm has  
27 accepted without question. Perhaps more importantly, with Qualcomm having complied in good

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1 faith with the Magistrate Judge's Sanctions Order and Broadcom having filed no objections to that  
2 Order, there is simply no basis for reopening the Sanctions Order.

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4 Dated: February 20, 2008

DLA PIPER US LLP

5 By /s/ William S. Boggs

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