

1 SHARTSIS FRIESE LLP
JOEL ZELDIN (Bar #51874)
2 FRANK A. CIALONE (Bar #172816)
One Maritime Plaza, Eighteenth Floor
3 San Francisco, CA 94111
Telephone: (415) 421-6500
4 Facsimile: (415) 421-2922
Email: jzeldin@sflaw.com; fcialone@sflaw.com

5 Attorneys for Non-Parties
6 JAMES R. BATCHELDER, CHRISTIAN E.
MAMMEN, and KEVIN K. LEUNG
7

8
9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA
11

12 QUALCOMM INCORPORATED,

13 Plaintiff,

14 v.

15 BROADCOM CORPORATION,

16 Defendant.
17

Case No. 05CV1958-B (BLM)

**STIPULATION AND ~~PROPOSED~~
ORDER CONCERNING CREDO
PROCESS**

18 AND RELATED COUNTERCLAIMS.
19

20 IT IS HEREBY STIPULATED BY, BETWEEN, AND AMONG Qualcomm Incorporated
21 (“Qualcomm”), Broadcom Corporation (“Broadcom”), and responding attorneys James
22 Batchelder, Adam Bier, Kevin Leung, Christian Mammen, Lee Patch, and Stanley Young
23 (collectively, the “Responding Attorneys”) (collectively, Qualcomm, Broadcom and the
24 Responding Attorneys are referred to herein as the “Participants”), through their respective
25 attorneys of record herein, as follows with respect to the CREDO process:

26 1. In connection with the Court’s Order Granting in Part and Denying in Part
27 Broadcom’s Motions for Sanctions etc., dated January 7, 2008 (the “Order”), the Participants
28 have been and will be engaged in the CREDO process. The Participants agree that nothing said,

SHARTSIS FRIESE LLP
ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111

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1 written, or communicated in the course of the CREDO process is discoverable, admissible in
2 evidence in any proceeding, or otherwise usable against any Participant in this or any other
3 proceeding of any court, tribunal, or body.

4 2. Nothing said, written, or communicated in the course of the CREDO process
5 constitutes, or will be deemed to constitute, the providing of legal advice by any Participant to
6 any other Participant, nor will anything said, written, or communicated in the course of or in
7 connection with the CREDO process constitute representation of Qualcomm by any of the
8 Responding Attorneys.

9 3. Nothing said, written, or communicated in the course of the CREDO process shall
10 be deemed an admission by any Participant for any purpose.

11 4. Neither participation in the CREDO process, nor anything said, written, or
12 communicated in the course of the CREDO process, shall be deemed a waiver of any privilege or
13 similar doctrine.

14 5. Responding Attorneys have all filed Objections to the Order, including the
15 directive in the Order to participate in the CREDO process. Responding Attorneys preserve their
16 right to appeal the issues that are the subject of their respective Objections, and nothing said,
17 written, or done in connection with the CREDO process will constitute a waiver of any of their
18 Objections or their appellate rights.

19 6. Except as set forth above, this Stipulation shall not affect any rights that any
20 Participant has independent of the CREDO process.

21 DATED: 2/1/08

DLA PIPER US LLP

By: 
BRIAN FOSTER

Attorneys for Qualcomm Incorporated

ONE MARITIME PLAZA
EIGHTEENTH FLOOR
SAN FRANCISCO, CA 94111

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DATED: February 1, 2008

MCKENNA LONG & ALDRIDGE LLP

By: 
JAMES S. MCNEILL

Attorneys for Broadcom Corporation

DATED: Feb 1, 2008

SHARTSIS FRIESE LLP

By: 
JOEL ZELDIN

Attorneys for Non-Parties
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DATED: _____

CHAPMAN, POPIK & WHITE LLP

By: _____
MERRI BALDWIN

Attorneys for Non-Party ADAM BIER

DATED: _____

KERR & WAGSTAFFE

By: _____
JAMES WAGSTAFFE

Attorneys for Non-Party LEE PATCH

DATED: _____

KIRBY NOONAN LANCE & HOGE LLP

By: _____
DAVID NOONAN

Attorneys for Non-Party STANLEY YOUNG

ORDER RE CREDO PROCESS

IT IS SO ORDERED.

Dated: 2/4/08


THE HONORABLE BARBARA MAJOR
U.S. Magistrate Judge

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