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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FEDERAL TRADE COMMISSION Plaintiff, v. QUALCOMM INCORPORATED, a Delaware corporation, Defendant.	Case No. 5:17-CV-0220-LHK-NMC **STIPULATION AND ~~[PROPOSED]~~ ORDER CONCERNING EXCLUSION OF FACT WITNESSES FROM THE COURTROOM PURSUANT TO FEDERAL RULE OF EVIDENCE 615**

Pursuant to Civil Local Rule 7-12 and Federal Rule of Evidence 615, the Federal Trade Commission (the "FTC") and Qualcomm Incorporated ("Qualcomm") respectfully submit this Stipulation and Proposed Order Concerning Exclusion of Fact Witnesses From the Courtroom:

WHEREAS the FTC has stated that it intends to request that the Court prevent fact witnesses who are current or former employees of Qualcomm from accessing the testimony of other fact witnesses pursuant to Federal Rule of Evidence 615;

WHEREAS Qualcomm has stated that it intends to request that the Court prevent third-party fact witnesses from accessing the testimony of other fact witnesses pursuant to Federal Rule of Evidence 615;

WHEREAS Federal Rule of Evidence 615 provides that "[a]t a party's request, the court must order witnesses excluded so that they cannot hear other witnesses' testimony", with certain exceptions stated in the Rule;

WHEREAS the Parties wish to compromise with respect to this issue;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel, and subject to the approval of the Court:

1. Every fact witness shall be excluded from the courtroom until after he or she testifies in a party's case-in-chief. During such time as a fact witness is excluded from the courtroom, he or she also shall be prohibited from reading any portions of trial transcripts documenting proceedings in the above-captioned matter.

2. Nothing in this Stipulation and Order shall be interpreted to exclude from the courtroom, or to prohibit from reading trial transcripts, any expert witness testifying on behalf of any party.

3. Notwithstanding any other provision of this Stipulation and Order, Lorenzo Casaccia, who has been designated as a fact and an expert witness by Qualcomm, shall be allowed to hear or read testimony by the FTC's proposed experts Robert Akl and Michael Lasinski for purposes of Mr. Casaccia's proposed expert testimony. Should Qualcomm wish to provide Mr. Casaccia any other trial testimony concerning the subject matters of Mr. Casaccia's

proposed expert testimony, the Parties shall meet and confer in good faith to identify such testimony that Mr. Casaccia may access for the purposes of Mr. Casaccia's proposed expert testimony. Mr. Casaccia shall otherwise be subject to Paragraph 1 of this Stipulation and Order for purposes of his fact testimony.

4. Nothing in this Stipulation and Order shall be interpreted to require or justify the exclusion of any person who has not been disclosed as a fact witness on the witness lists filed by the Parties in the Joint Pretrial Statement (ECF No. 946).

5. Nothing in this Stipulation and Order shall be interpreted to prohibit a party from seeking a modification of this Stipulation and Order, subject to the approval of the Court.

Dated: January 2, 2019

Respectfully submitted,

FEDERAL TRADE COMMISSION

s/ Daniel Matheson

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PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: January 3, 2019

Lucy H. Koh

LUCY H. KOH
United States District Judge

FILER'S ATTESTATION

I, Gary A. Bornstein, am the ECF user whose identification and password are being used to file this Stipulation. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatories on this document have concurred in this filing.

s/ Gary A. Bornstein
Gary A. Bornstein