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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-00220-LHK **DEFENDANT QUALCOMM INCORPORATED'S MOTION TO SHORTEN TIME** Dept.: Courtroom 8, 4th Floor Judge: Hon. Lucy H. Koh

Defendant Qualcomm Incorporated, by and through undersigned counsel, hereby respectfully moves pursuant to Civil L. R. 6-3(a)(4) for an order shortening the time for the Court to hear, and the Federal Trade Commission to respond, to Qualcomm's Motion for Stay Pending Appeal, (the "Stay Motion"), which Qualcomm filed concurrently with this motion. In accordance with Civil L. R. 6-3(a), Qualcomm's Motion to Change Time is supported by the Declaration of Bryn Williams, counsel for Qualcomm, and a proposed order, filed concurrently herewith. Qualcomm has conferred with the Federal Trade Commission, which declined to stipulate to the relief requested in this motion. Decl. of Bryn Williams ("Williams Decl.") ¶ 10.

Qualcomm respectfully requests that the Court shorten the briefing and hearing time for its Stay Motion by (a) ordering the FTC to submit any response to Qualcomm's Stay Motion by May 31, 2019, and (b) scheduling a hearing on Qualcomm's motion as soon thereafter as practicable.

Good cause exists to shorten time. In particular, as detailed in its Stay Motion, the injunction issued by this Court in its Findings of Fact and Conclusions of Law, (Dkt. 1490 (the "Order")), requires Qualcomm to fundamentally reorganize the way it does business, renegotiate existing license agreements, and adopt licensing practices at odds with decades of history and settled industry practice. (Mot. for Stay at 7-10; Rogers Decl. ¶¶ 4-5.) Implementing these changes will irreparably harm Qualcomm if the Court's Order is overturned, and the risk of irreparable harm increases with each day the Court's injunction stays in place. (Mot. for Stay at 7-10; Rogers Decl. ¶¶ 6-10.) Finally, staying the injunction pending appeal will neither harm competition nor impair the public interest; indeed, for the reasons set forth in the Stay Motion, a timely stay will ensure that Qualcomm can obtain effective appellate review of the Order and support the public interest. (Mot. for Stay at 20-22.)

Shortening the FTC's time to respond to the motion will not impose any prejudice on the FTC, which has been on notice of Qualcomm's intent to move for a stay since May 24, 2019. (Williams Decl. ¶ 10.)

In light of the gravity of the Court's injunction, the substantial risk of irreparable harm that could be caused by any undue delay, and the lack of prejudice to the FTC, Qualcomm

respectfully requests that the Court shorten time for briefing and hearing Qualcomm's Stay Motion.

Respectfully Submitted,

Dated: May 28, 2019

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s/ Gary Bornstein

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