

WILMER CUTLER PICKERING  
HALE AND DORR LLP

October 24, 2005

**By Hand**

The Hon. Marilyn R. Abbott  
Secretary  
U.S. International Trade Commission  
500 E Street, S.W., Room 112  
Washington, DC 20436

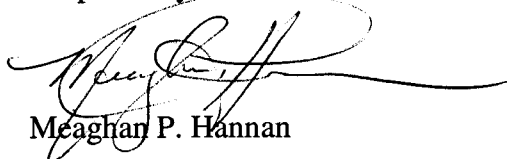
Re: In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Inv. No. 337-TA-543

Dear Secretary Abbott:

Enclosed for filing please find the original and six copies of Complainant Broadcom Corporation's Response to Motion of Qualcomm Incorporated to Extend Target Date and to Amend Procedural Schedule, served today on Qualcomm, Incorporated.

Please call me should you have any questions. Thank you for your attention to this matter.

Respectfully submitted,



Meaghan P. Hannan

Counsel for  
Complainant Broadcom Corporation

Attachment

CC: The Honorable Charles E. Bullock  
Karin J. Norton, Esq.  
Jennifer Whang, Esq.  
Cecilia H. Gonzalez, Esq.  
Bert C. Reiser, Esq.  
Peter J. Chassman, Esq.  
Christopher L. Kelley, Esq.

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before the Honorable Charles E. Bullock  
Administrative Law Judge

\_\_\_\_\_  
In the Matter of )

CERTAIN BASEBAND PROCESSOR )  
CHIPS AND CHIPSETS, TRANSMITTER )  
AND RECEIVER (RADIO) CHIPS, POWER )  
CONTROL CHIPS, AND PRODUCTS )  
CONTAINING SAME, INCLUDING )  
CELLULAR TELEPHONE HANDSETS )  
\_\_\_\_\_

Investigation  
No. 337-TA-543

RECEIVED  
SECRETARY  
OFC. INT'L TRADE COMM.  
2005 OCT 24 PM 5:05

**COMPLAINANT BROADCOM CORPORATION'S RESPONSE TO MOTION OF  
RESPONDENT QUALCOMM INCORPORATED TO EXTEND TARGET DATE AND  
TO AMEND PROCEDURAL SCHEDULE**

**I. INTRODUCTION.**

This case involves five Broadcom patents, at least ten Qualcomm accused products, and a variety of complex cellular phone technology. As a result, the discovery sought by both parties is voluminous and far-reaching. Further, this case involves a significant amount of third-party discovery, as Broadcom has alleged Qualcomm has induced and/or contributed to the infringement of four of the asserted patents, the inventors on four of the five patents are not employed by Broadcom, and Qualcomm's infringing chips are included in numerous downstream products. For these reasons (and as discussed in more detail below), Broadcom believes that a two-week extension of the trial date and a thirty-day extension of the target date would assist the parties in properly preparing the case for hearing without unnecessarily delaying vindication of Broadcom's patent rights.

To be clear, while Broadcom agrees that a short extension of the schedule would be appropriate, it takes strong exception to Qualcomm's suggestion that Broadcom has not been

diligent in prosecuting this case and similarly must address Qualcomm's description of the purported "facts," which are replete with inaccuracies and hyperbole.

## **II. PROCEDURAL HISTORY.**

Pursuant to 19 U.S.C. § 337, Broadcom filed a complaint with the Commission on May 19, 2005 seeking the initiation of this investigation with Qualcomm named as respondent. On June 16, 2005, the ITC issued a Notice of Investigation naming Qualcomm as a respondent, and the notice published in the Federal Register on June 21, 2005. That same day, this Court set a fourteen-month target date. The parties worked together throughout the end of June and beginning of July to agree upon a procedural schedule, which was subsequently submitted to this Court. On August 3, 2005, this Court issued Order No. 3, setting the procedural schedule for this investigation.

## **III. DISCUSSION.**

### **A. A Short Extension Of The Procedural Schedule Would Aid The Parties In Preparing This Investigation For Hearing.**

This is a complex investigation involving five patents, complicated technology, and voluminous discovery. For these reasons, Broadcom joins Qualcomm in its request that the Court extend the target date. The parties, however, disagree as to the appropriate length of the extension (and, as discussed herein, the underlying reason for this request).

Broadcom respectfully requests that the Court adopt the procedural schedule attached hereto as Exhibit A. Broadcom understands that the Commission Investigative Staff does not oppose the proposed revised schedule in Exhibit A. Broadcom also shared Exhibit A with Qualcomm, which opposes this schedule.

In Exhibit A, Broadcom has proposed that the Court extend the deadline for the close of fact discovery by three weeks, extend the trial date by two weeks, and the target date by thirty

days. This schedule would provide the additional time needed to complete the numerous depositions the parties wish to take, while still allowing Broadcom timely vindication of its patent rights. Additionally, this proposal would allow the parties two additional weeks for post-hearing briefing (a total of three weeks for their opening briefs and two for their reply briefs) without altering the amount of time this Court has to review the record and issue its initial determination.

Finally, Broadcom respectfully requests that the Court not extend the entire schedule thirty days. Broadcom's lead trial counsel, William Lee, has a family commitment the week of March 6, 2006. Mr. Lee and his family, all of whom are working and have requested time off, scheduled this commitment after this Court entered Order No. 3 setting the trial date as January 30, 2006. An extension of all dates by thirty days would place the trial the week of March 6, 2006 and conflict with Mr. Lee's previously scheduled commitment.

**B. Broadcom Has Diligently Prosecuted This Case.**

While Broadcom does not wish to burden this Court with discovery disputes, it cannot sit silent while Qualcomm paints such an inaccurate and one-sided picture of Broadcom's efforts. Broadcom has engaged in neither "gamesmanship," nor "dilatatory pattern of conduct." By every objective measure, Broadcom's discovery efforts have greatly exceeded those of Qualcomm. To date, Broadcom has produced more than twice as many documents than Qualcomm; four depositions of witnesses noticed by Qualcomm have already occurred, whereas none of those noticed by Broadcom have yet occurred; dates for more than ten additional depositions noticed by Qualcomm are confirmed, whereas less than ten of the twenty-seven depositions noticed by Broadcom have been confirmed; and Broadcom has responded to 131 document requests, 58 interrogatories, and 518 requests for admission.

Discovery began the first day permitted under the Commission Rules – on June 22, 2005 – when Broadcom served its First Set of Requests for Production. A few days later, on June 27, 2005, Broadcom served its First Set of Interrogatories and its Second Set of Requests for Production. Broadcom continued its initial discovery pursuit in earnest, serving its Second Set of Interrogatories on July 5, 2005, and its Third Set of Requests for Production on July 7, 2005. Further, on July 25, 2005, Broadcom served its Third Set of Interrogatories.

As reflected in their August 2005 Joint Discovery Committee Report, the parties agreed to and did begin production of documents, on a rolling basis, at the beginning of August. After reviewing Qualcomm's responses to its initial discovery requests, meeting and conferring with Qualcomm to work to cure the deficiencies contained therein, and reviewing Qualcomm's initial production, Broadcom served additional written discovery throughout the month of September and into the beginning of October. In particular, its Fourth Sets of Requests for Production and Interrogatories were served on September 16, 2005; its Fifth Sets of Interrogatories and Requests for Production served on September 28, 2005; its Sixth Set of Requests for Production served on September 29, 2005; and its Seventh Set of Requests for Production served on October 3, 2005. Broadcom has now received Qualcomm's responses to this discovery and is working with Qualcomm to resolve the deficiencies contained therein in the hope of avoiding the need to involve the Court. Finally, Broadcom has also diligently pursued deposition discovery in this investigation, serving four corporate designee notices, numerous notices for the depositions of Qualcomm employees, and several third party subpoenas.<sup>1</sup>

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<sup>1</sup> Qualcomm's objection that Broadcom's corporate designee notices are "harassing" because they collectively contain more than one hundred topics is untrue and, in any event, untimely. First, Qualcomm itself has served more than one hundred corporate designee topics upon Broadcom. Surely, if Qualcomm believed the type or volume of topics harassing, it would have lodged objections to the particular topics and worked with Broadcom to narrow the topics, not served similar topics in scope and volume. Second, although Broadcom served its first and second corporate designee notices almost a month ago – on September 23, 2005 – Qualcomm has never served any objections. Having failed to serve timely written objections, Qualcomm has waived the right to do so.

Broadcom has been equally conscientious in responding to Qualcomm's discovery requests. In particular, Broadcom has diligently responded to each of Qualcomm's numerous discovery requests<sup>2</sup> – including more than 500 requests for admission, 130 requests for production, and 59 interrogatories.<sup>3</sup> Broadcom has also worked with Qualcomm to address each of the concerns that Qualcomm has raised during the Discovery Committee calls, including diligently responding to Qualcomm's requests for additional technical documentation.<sup>4</sup> Finally, the vast majority of the depositions Qualcomm has sought have been those of third parties. Broadcom's counsel agreed to and is representing many of these third parties, and has worked diligently with Qualcomm, the third parties, and the Staff to devise a deposition schedule that is agreeable to all parties and the witness. Surely Qualcomm must recognize that depositions in general, and those of third parties in particular, rarely occur on the date for which they are noticed, as numerous schedules (most importantly that of the witness) must be taken into account. In fact, Qualcomm took many weeks to begin providing Broadcom dates of availability for the Qualcomm employees Broadcom noticed depositions of, and, has not offered even a single witness for the date noticed.

Finally, Qualcomm suggests that Broadcom has made misrepresentations either in this case or in the litigation pending in district court regarding the remedy it seeks. That is untrue. As this Court is aware, Qualcomm filed a motion in the Central District of California, seeking to

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<sup>2</sup> Qualcomm's suggestion that Broadcom's written discovery requests "do not constitute good faith attempts to collect useful discovery" is not only inaccurate in its own right, but is also belied by Qualcomm's actions. Qualcomm, notwithstanding the impression left by its motion, has served incredibly broad discovery, including numerous requests that call for "all documents" "related" to broad and ambiguous topics. Broadcom has objected to these requests and has worked with Qualcomm, during the Discovery Committee calls, to narrow their excessive scope.

<sup>3</sup> Qualcomm recently served its Sixth Set of Requests for Production (Request Nos. 132-150) and its Third Set of Interrogatories (Nos. 59-91), to which Broadcom is in the process of responding.

<sup>4</sup> Qualcomm's suggestion that Broadcom has improperly withheld documents from production or waited to "dump" documents on Qualcomm at the last minute is demonstrably untrue. Broadcom has produced documents on a rolling basis, as agreed to by the parties, throughout discovery and has provided those documents as soon as the vendor finished preparing the CDs so that the documents were in the electronic format *that Qualcomm requested*.

enjoin Broadcom from participating in this investigation insofar as it relates to the Wireless Subnetwork Patents.<sup>5</sup> As part of its briefing on that motion, Broadcom made clear that it does not seek exclusion of phones – on the basis of infringement of the Wireless Subnetwork Patents – that contain Broadcom Bluetooth RF chips. Broadcom has never suggested in any forum that it does not seek a remedy that would exclude phones that contain Broadcom’s chips. Broadcom does seek exclusion of such phones provided that they infringe one of the patents-in-suit other than the Wireless Subnetwork Patents. Broadcom’s recent briefs in the district court litigation simply make this point clear, and are not inconsistent with the relief sought by Broadcom in this investigation. Thus, Broadcom’s statements to this Court and in discovery in this investigation have been entirely accurate.<sup>6</sup>

**C. Qualcomm Has Failed To Comply With Its Discovery Obligations.**

As set forth below, Qualcomm is in no position to point fingers. Qualcomm’s discovery conduct suggests that it seeks a ninety-day extension of the target date not because of anything Broadcom has done, but simply because Qualcomm is unprepared. To give just a few examples:<sup>7</sup>

- Qualcomm’s initial responses to Broadcom’s interrogatories were almost completely non-substantive. Although Broadcom has tried, through correspondence and the Discovery Committee calls, to persuade Qualcomm to correct these issues, Broadcom still awaits supplementation of some basic interrogatories. For example, since almost

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<sup>5</sup> Judge Selna of the U.S. District Court for the Central District of California denied Qualcomm’s motion on three independent grounds: (1) that Qualcomm failed to establish a possibility of irreparable injury, the balance of hardships tipped in Broadcom’s favor, and the public interest will not be advanced by granting the motion; (2) that “Qualcomm is judicially estopped from obtaining a preliminary injunction to halt the ITC proceedings” in light of statements made to the at court in order to obtain a stay of the companion case; and (3) that “Qualcomm’s request for a preliminary injunction is barred by the doctrine of laches.”

<sup>6</sup> Equally fictitious is the suggestion that Broadcom’s representations in the district court litigation render irrelevant much of the discovery propounded here. To state the obvious: In order to determine which phones should be excluded – based upon infringement of the Wireless Subnetwork Patents – Broadcom must obtain discovery as to which phones ultimately contain its Bluetooth RF chip and which phones ultimately contain the Bluetooth RF chips of third parties.

<sup>7</sup> Broadcom will not attempt to list all of Qualcomm’s deficient and delinquent actions during discovery. In light of Qualcomm’s motion, however, Broadcom believes that it is necessary to provide an illustrative list so as to clarify the record.

the beginning of discovery, Broadcom has sought, through interrogatories, a list of individuals at Qualcomm who have knowledge related to the accused products. Qualcomm initially failed to provide the names of relevant people, and then when it did provide the names failed to, as requested by the interrogatory, identify which person had knowledge of which chip. Broadcom has raised this issue repeatedly, only to be told that it will receive this information at some indeterminate time in the future. (*See Exhibit B.*)

- Qualcomm has frequently taken many weeks to provide the agreed-upon supplementation to discovery, frequently serving those responses many days after the date it suggested it would during the Discovery Committee calls. (*See Exhibit C.*)
- Qualcomm's initial document productions contained essentially no technical documents, that is, documents that describe the functionality of the accused products. It was not until Broadcom told Qualcomm that it would be required to seek judicial intervention that Qualcomm acknowledged the dearth of technical documents in its production and agreed finally to produce them. While these documents were indisputably responsive to requests served months ago, Broadcom did not begin to receive them until October 5, 2005. (*See Exhibit D.*)
- After initially insisting that Broadcom was not diligent in deposition scheduling when third parties could not rearrange their business commitments and vacation schedules so that Qualcomm could take the depositions on the dates it arbitrarily chose to place on the notices, Qualcomm has subsequently requested that many of these same depositions be postponed due to its own scheduling conflicts. In fact, Qualcomm canceled one deposition less than eighteen hours before the deposition was scheduled to begin – and after it knew Broadcom had sent an attorney to Austin to prepare the witness to testify. (*See Exhibit E.*)
- Qualcomm spent much of last week seeking to rearrange the deposition schedule upon which it had previously insisted, apparently unconcerned with the fact that the vast majority of these depositions are of third parties who had rearranged their schedules at Qualcomm's behest. (*See Exhibit F.*)

In short, Qualcomm's own actions show that the motivation for its motion is not Broadcom's lack of diligence, but Qualcomm's lack of preparedness.


#### **IV. CONCLUSION.**

While Broadcom strongly disagrees with Qualcomm's suggestions as to why an extension of the target date should be granted and the extent of that delay, Broadcom would support a short extension, as outlined in Exhibit A. In particular, Broadcom respectfully requests

that this Court extend the close of fact discovery by three weeks, the trial date by two weeks, and the target date by thirty-days.

Dated: October 24, 2005

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James L. Quarles II", is written over a horizontal line.

James L. Quarles II  
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# **EXHIBIT A**

## EXHIBIT A

### PROPOSED REVISED PROCEDURAL SCHEDULE

EVENT:	EXISTING DEADLINE:	PROPOSED DEADLINE:
First Settlement Conference	By August 17, 2005	By August 17, 2005
Submission of First Settlement Conference Joint Report	August 22, 2005	August 22, 2005
File Identification of Expert Witnesses, Including Their Expertise and CVs	October 21, 2005	October 21, 2005
Second Settlement Conference	By October 25, 2005	By October 25, 2005
Submission of Second Settlement Conference Joint Report	October 31, 2005	October 31, 2005
File Notice of Prior Art	November 1, 2005	November 15, 2005
Fact Discovery Cutoff and Completion	November 18, 2005	December 9, 2005
Exchange of Initial Expert Reports (Identify tests/surveys/data)	November 21, 2005	December 5, 2005
File Tentative List of Witnesses a Party Will Call to Testify at the Hearing, With an Identification of Each Witness' Relationship to the Party	November 21, 2005	December 15, 2005
Exchange of Rebuttal Expert Reports	December 1, 2005	December 15, 2006
Deadline for Motions to Compel Discovery	December 2, 2005	December 16, 2006
Expert Discovery Cutoff and Completion	December 20, 2005	January 11, 2006
Third Settlement Conference	By December 20, 2005	By January 13, 2006
Deadline for Filing Summary Determination Motions	December 20, 2006	January 3, 2006
Submission of Third Settlement Conference	December 22, 2005	January 18, 2006

<b>EVENT:</b>	<b>EXISTING DEADLINE:</b>	<b>PROPOSED DEADLINE:</b>
Joint Report		
Exchange of Exhibit Lists Among the Parties (see Ground Rule 9.4.1)	January 2, 2006	January 17, 2006
Submit and Serve Direct Exhibits (Including Witness Statements), with Physical and Demonstrative Exhibits Available – Complainant(s) and Respondent(s)	January 9, 2006	January 23, 2006
Submit and Serve Direct Exhibits (Including Witness Statements), with Physical and Demonstrative Exhibits Available – Staff	January 11, 2006	January 25, 2006
File Pre-Trial Statements and Briefs – Complainant(s) and Respondent(s)	January 12, 2006	January 26, 2006
File Requests for Receipt of Evidence Without a Witness	January 13, 2006	January 27, 2006
File Objections to Direct Exhibits (Including Witness Statements)	January 13, 2006	January 27, 2006
Submit and Serve Rebuttal Exhibits (Including Witness Statements), with Rebuttal Physical and Demonstrative Exhibits Available – All Parties	January 17, 2006	January 30, 2006
Deadline for motions <i>in limine</i>	January 17, 2006	January 31, 2006
File Responses to Objections to Direct Exhibits (Including Witness Statements)	January 18, 2006	February 1, 2006
File Pre-Trial Statements and Briefs – Staff	January 18, 2006	February 1, 2006
File Objections to Rebuttal Exhibits (Including Witness Statements)	January 19, 2006	February 2, 2006
File High Priority Objections Statement	January 20, 2006	February 3, 2006
File Responses to Objections to Rebuttal Exhibits (Including Witness Statements)	January 23, 2006	February 6, 2006
File Responses to High Priority Objections	January 24, 2006	February 7, 2006

<b>EVENT:</b>	<b>EXISTING DEADLINE:</b>	<b>PROPOSED DEADLINE:</b>
Statement		
File Responses to Motions <i>in Limine</i>	January 25, 2006	February 7, 2006
Tutorial on Technology (if necessary)	January 27, 2006 at 9:00 a.m.	February 10, 2006 at 9:00 a.m.
Pre-Trial Conference	January 27, 2006 following tutorial	February 10, 2006 following tutorial
Trial	January 30 at 8:30 a.m. – February 10, 2006	February 13 at 8:30 a.m. – February 24, 2006
File Initial Post-Trial Briefs, Proposed Findings of Fact and Conclusions Of Law, and Final Exhibit Lists	February 24, 2006	March 17, 2006
File Reply Post-Trial Briefs, Objections and Rebuttals to Proposed Findings of Fact	March 3, 2006	March 31, 2006
Initial Determination Due	May 22, 2006	June 21, 2006
Target Date for Completion of Investigation	August 22, 2006	September 21, 2006

# **EXHIBIT B**

WILMER CUTLER PICKERING  
HALE AND DORR LLP

October 3, 2005

**By Facsimile**

Bert C. Reiser, Esq.  
Howrey LLP  
1299 Pennsylvania Ave N.W.  
Washington, D.C. 20004

Maria K. Vento

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Re: *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Inv. No. 337-TA-543*

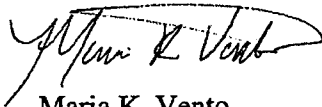
Dear Bert:

During our telephone conference last Tuesday, we indicated to you that many of Qualcomm's interrogatory responses fail to disclose which Qualcomm employees have knowledge of which specific accused products or specific patents. We explained that this information would be useful to help Broadcom identify the appropriate employees to depose and potentially to avoid unnecessary depositions. You asked us to identify for Qualcomm the interrogatories for which Broadcom requests supplementation in this regard. The interrogatories are as follows: Nos. 1, 15, 28, 30, 52, 58, 59, and 61.

Please supplement each of the foregoing interrogatories so as to indicate, for each of the Qualcomm employees who have been identified, the specific accused products or the specific patents for which they are knowledgeable.

As always, please feel free to call me should you have any questions or wish to discuss this further.

Very truly yours,



Maria K. Vento

cc: Karin Norton, Esq.

# **EXHIBIT C**

WILMER CUTLER PICKERING  
HALE AND DORR LLP

September 23, 2005

**By Facsimile**

Louis L. Campbell, Esq.  
Howrey LLP  
301 Ravensood Avenue  
Menlo Park, California 94025-3434

Maria K. Vento

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Re: *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Inv. No. 337-TA-543*

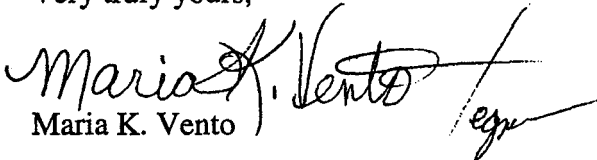
Dear Louis:

I am in receipt of your September 22, 2005 letter regarding deposition scheduling in the above referenced investigation. Please note that James Bennett is no longer an employee of Broadcom Corporation. I would be happy to discuss the scheduling of Mr. Tyson's deposition with you on our next meet and confer call, which I propose we have sometime next week. Please let me know when you and your colleagues are available.

On an unrelated matter, we expected to receive supplemental interrogatory responses from Qualcomm earlier this week, but have not yet received them. Please advise when Qualcomm now expects to serve those responses.

As always, please feel free to call me if you would like to discuss these issues.

Very truly yours,

  
Maria K. Vento

cc: Karin Norton, Esq.

# **EXHIBIT D**

WILMER CUTLER PICKERING  
HALE AND DORR LLP

October 5, 2005

**By Facsimile**

Patricia G. Butler, Esq.  
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James M. Dowd

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Re: *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Inv. No. 337-TA-543*

Dear Tricia:

I write to confirm our discussions today regarding Qualcomm discovery deficiencies as identified in my September 28, 2005 letter to Rachel A. Adams of your firm. As I explained in our 1 p.m. call, while all of the deficiencies detailed in my letter are pressing, foremost among them is the dearth of technical documentation demonstrating the structure, function and operation of the Qualcomm Accused Products. I identified these documents as those detailed under the headings "Document Request Nos. 37-39" and "Document Request Nos. 44, 48, 63, and 65" of my September 28<sup>th</sup> letter (the "high priority documents"), and noted that they had been the subject of meet and confer efforts dating back at least as early as Maria Vento's July 28, 2004 letter. I explained that unless Broadcom received a date certain by which the production of this material would be complete, it would be left no choice but to seek assistance from Judge Bullock (an impasse having been reached).

In response to your request for time to confer with your client on a date by which production of the high priority documents could be completed, we agreed to adjourn the 1 p.m. call and reconvene by telephone at 6 p.m. In our 6 p.m. call, you agreed Qualcomm will complete production of these high priority documents by next Wednesday, October 12, 2005.

I appreciate your attention to this matter and look forward to receiving these high priority documents. I expect Qualcomm will continue the parties' past practice by producing any high priority documents ready for production in advance of next Wednesday on a rolling basis. Please do not hesitate to let me know if I have misunderstood our agreement in any way.

Very truly yours,

  
James M. Dowd

cc: Karen Norton, Esq.

BALTIMORE BEIJING BERLIN BOSTON BRUSSELS LONDON MUNICH  
NEW YORK NORTHERN VIRGINIA OXFORD PALO ALTO WALTHAM WASHINGTON

WILMER CUTLER PICKERING  
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September 28, 2005

Rachel A. Adams, Esq.  
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Re: *In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Inv. No. 337-TA-543*

Dear Rachel:

I write to address ongoing deficiencies in Qualcomm's discovery responses. Specifically, during the parties' most recent meet and confer session and in follow-on correspondence, Qualcomm committed to producing its design and development documents, schematics, customer communications, and documents concerning the method of operation and use of each of the accused products, as well as supplementing its responses to Broadcom's interrogatories requiring identification of Qualcomm chips that support the CDMA 1x EV-DO, GSM and GPRS standards.

To date, this discovery remains outstanding. Indeed, Qualcomm has yet to produce documents or information responsive to numerous categories in Broadcom's discovery requests. For example, Qualcomm has yet to produce any functional specifications for its MSM6100, MSM6250, MSM6255, MSM6275, MSM6280, MSM6300, MSM6500, MSM6550, MSM6800, and RTR6300 chips and chipsets. These and other deficiencies, which are inhibiting further meaningful discovery in this investigation, are detailed below. With depositions imminent, and the discovery deadline fast approaching, Broadcom will have little choice but to seek assistance from Judge Bullock if these deficiencies are not promptly addressed.

**I. Document Requests.**

We understand that Qualcomm is not withholding any documents on the basis of General Objections Nos. 2, 3, 9 and 10. If that is not the case, please let us know immediately so that we can resolve any remaining issue.

**Document Request No. 10.** This request seeks documents "sufficient to identify all customers, past and present, of each Qualcomm Accused Product and each product constituting, comprising, or containing any Qualcomm Accused product." Although Qualcomm no doubt maintains summary sales reports identifying its customers for each responsive product, and agreed to produce these documents in its July 5<sup>th</sup> response, it has thus far produced few such documents for any product, and appears to have produced none at all for the accused RTR6300,

MSM6100, or MSM7500 chips and chipsets. Please complete production of all of the Qualcomm Accused Products forthwith.

**Document Request No. 36.** On July 25, 2005, Qualcomm agreed to “produce schematics.” To date, we have not yet received complete schematics for any of the accused products. In particular, please confirm that Qualcomm will produce complete set of schematics for at least the RTR6300 chip, the MSM6100, the MSM6500, and the 6500 series chipsets forthwith.

**Document Request Nos. 37-39.** Document Request No. 37 seeks “[a]ll documents constituting or relating to the design, or any proposed design, of any Qualcomm Accused Product.” Request No. 38 seeks “[a]ll documents constituting or relating to the development, or any proposal for the development, of any Qualcomm Accused Product.” And Request No. 39 seeks “[a]ll documents constituting or relating to research, or any plans for research, pertaining to the development of any Qualcomm Accused Product.” These requests go to core Qualcomm activities with respect to its alleged practice of the patents in suit and could not be more relevant to this investigation. Responsive materials would include, without limitation such documentation as: market requirements documents; product and engineering development plans; functional, architectural and engineering specifications, as well as any delta specifications; register sets, circuit diagrams, product descriptions, and design reviews; product engineering evaluations; preliminary and final application notes; product architecture overviews; launch reports; tapeout documentation; test plans, test simulations, characterization simulations; engineering samples; process qualifications, package qualifications, new equipment qualifications, qualification devices, and device characterizations; and final test releases, product testing, internal product engineering evaluations. In short, these requests call for the standard documentation generated in the course of bringing semiconductor chips and chipsets to market, Qualcomm undoubtedly has these types of documents, and complete set for each accused product must be produced.

Qualcomm’s failure thus far to produce any such materials with respect to any of the MSM6100, MSM6250, MSM6255, MSM6275, MSM6280, MSM6300, MSM6500, MSM6550, MSM6800, and RTR6300 chips and chipsets has and will continue to unfairly prejudice Broadcom’s ability to prepare for upcoming depositions.

**Document Request No. 41.** This request seeks all “documents relating or referring to any actual or proposed production model, prototype, or other pre-production embodiment for any Qualcomm Accused Product.” To date we have received little if any documentation responsive to this request. Qualcomm must produce this documentation for at least the MSM6100, MSM6250, MSM6255, MSM6275, MSM6280, MSM6300, MSM6500, MSM6550, MSM6800, and RTR6300 chips and chipsets forthwith.

**Document Request Nos. 44, 48, 63, and 65.** Request No. 44 seeks “[d]ocuments sufficient to explain the functionality of any source code, computer instruction, firmware, or any other embedded code used to program, operate, configure, and/or test any aspect of any

Qualcomm Accused Product, including without limitation, programming guides, reports, presentations, flow-charts, pseudo-code, and block diagrams.” Request No. 48 seeks “[a]ll documents relating to the method or manner of operation of any Qualcomm Accused Product.” Request No. 63 seeks “[a]ll documents (including, but not limited to, promotional literature, catalogues, product brochures, sales presentations and reference designs), relating to any functionality, use or potential use of any Qualcomm Accused Product and/or any product constituting, comprising, or containing any Qualcomm Accused Product.” Finally, Request No. 65 seeks “[a]ll documents relating to the incorporation of Bluetooth technology into any Qualcomm Chip or Chipset and/or any product containing any Qualcomm Chip or Chipset.”

The operation of the Qualcomm Accused Products is at the core of this investigation, and functional specifications and other documents detailing the structure, function and operation of the Qualcomm Accused Products undoubtedly exist. For example, without limitation, Qualcomm cannot have released the MSM chipsets for the MSM 6000 and MSM7000 series, nor the Bluetooth processor within these MSM chipsets, without having created and maintained functional, design and testing specifications for each component. Such specifications are plainly within the call of these requests. Nonetheless, Qualcomm has produced no such specifications. Nor has it produced the Bluetooth ASIC Core HDD and the Bluetooth Specifications V1.0B, V1.0A, or V0.8. Qualcomm agreed to produce documents responsive to Request Nos. 48, 63, and 65 back on July 5th, but has yet to do so. Please produce all such materials forthwith.

**Document Request No. 50.** This Request seeks all “documents that have been made generally available to customers and/or distributors that relate to any Qualcomm Accused Product, including, without limitation, catalogs, data sheets, data books, product specifications, promotional material and advertising.” Here again Qualcomm agreed to produce documents responsive back in July, but has yet to do so. Please produce all such documents forthwith.

**Document Request No. 53.** This Request seeks “[a]ll documents relating to information, materials, or products that are or may be prior art to any claim of any Broadcom Patent or otherwise are relevant to the validity or invalidity of those patents.” Qualcomm alleged in its Response of Respondent Qualcomm Incorporated To The Complaint and Notice Of Investigation (the “Response”), without qualification, that the patents in suit “are invalid for failure to meet the requirements of 35 U.S.C. §§ 102, 103.” (Response at ¶¶ 123, 125, 127, 129, and 131.) Qualcomm must have had evidentiary support for these factual allegations. See 19 C.F.R. § 210.4(c)(3). Broadcom is entitled to immediate production of all documents evidencing such alleged facts, and of any additional documents that Qualcomm has subsequently identified and contends or will contend is prior art.

**Document Request No. 54.** This Request seeks “[a]ll documents that are, or may be, relevant to the enforceability or unenforceability of any Broadcom Patent.” Qualcomm alleged in its Response, without qualification, that “[t]he ‘872 patent is unenforceable due to inequitable conduct of Complainant’s patentees and applicants....” Here again, Qualcomm must have had evidentiary support for this factual allegation. See 19 C.F.R. § 210.4(c)(3). Broadcom is entitled to immediate production of all documents evidencing such alleged facts, and of any additional

factual support Qualcomm has subsequently identified as purported related to any of its unenforceability allegations.

**Document Request No. 60.** Document Request No. 60 seeks “[a]ll documents relating to phase-locked loop circuits designed and/or developed by Qualcomm.” Here again, although Qualcomm agreed to produce these documents back on July 5<sup>th</sup>, none have been produced to date.

## **II. Interrogatories.**

**Interrogatory Nos. 16 & 17.** Interrogatory No. 16 seeks an identification of Qualcomm chips and chipsets “that can operate in a first state requiring a first power and a second state requiring a second power that is less than the first power.” From those chips and chipsets identified in response to Interrogatory No. 16, Interrogatory No. 17 seeks identification of those chips and chipsets that can also “synchronize timing with a base station.” Qualcomm has refused to answer either interrogatory. Instead, Qualcomm objects in contradictory fashion that the interrogatories “assume facts” on the one hand and are “calling for legal conclusions concerning claim construction and contention theories” on the other hand. Neither of these characterizations is accurate. Rather, these two interrogatories seek facts. If any Qualcomm chips or chipsets are capable of operating in two distinct power states, they must be identified. (Int. No. 16.) If any of these chips or chipsets can also synchronize timing with a base station, these too must be identified. (Int. No. 17.)

**Interrogatory Nos. 29, 33, 37-41, 43-45, 47, and 54-56.** As you know, in response to each of these interrogatories, Qualcomm agreed to “produce non-privileged documents from which the answer to this Interrogatory may be ascertained” “pursuant to Commission Rule 210.29(c).” Section 210.29(c) requires that “the burden of deriving or ascertaining the answer” be “substantially the same for the party serving the interrogatory as for the party served,” and that the identification of records “include sufficient detail to permit the interrogating party to locate and to identify, as readily as can the party served, the documents from which the answer may be ascertained.” Qualcomm’s present answers to these interrogatories satisfy neither of these requirements. Please confirm by what date Qualcomm will supplement each of these interrogatories with the specific bates numbers of all documents from which the responsive information may be ascertained.

**Interrogatory No. 24.** Interrogatory No. 24 asks Qualcomm to “[i]dentify all chips and chipsets, including baseband chips, radio chips, and chipsets, made, used, sold, offered for sale, or imported by or on behalf of Qualcomm capable of operating in accordance with any version of the IEEE 802.11 standard or that otherwise facilitate operation in accordance with any version of the IEEE 802.11 standard.” As we have discussed, Qualcomm’s response, which states “that it does not have a chip or chipset that embeds or incorporates an application operating under the IEEE 802.11 standards,” is belied by its website, which touts that the MSM7500 chipset enables “wireless connectivity with integrated support for 802.11.” ([http://www.cdmatech.com/products/msm7500\\_chipset\\_solution.jsp](http://www.cdmatech.com/products/msm7500_chipset_solution.jsp)). Indeed, Qualcomm issued a press release announcing

the availability of this 802.11 enabling chipset just two days before it served its answer to Interrogatory No. 24. ([http://www.qualcomm.com/press/releases/2005/050713\\_msm7500\\_convergence.html](http://www.qualcomm.com/press/releases/2005/050713_msm7500_convergence.html)).

Please confirm that the position Qualcomm has taken in its response is not the result of Qualcomm's improper attempt to limit its response to products that "embed" or incorporate "an application operating under" 802.11, and that Qualcomm will supplement this response to identify all chips and chipsets *supporting* the 802.11 standard.

**Interrogatory Nos. 25 & 26.** Interrogatory No. 25 seeks an identification of Qualcomm chips and chipsets that are "capable of controlling a rate at which a cell phone using such chips scans for base stations." Interrogatory No. 26 similarly seeks an identification of Qualcomm chips and chipsets that are "capable of indicating to a cell phone using such chips that a base station has data that is to be delivered to the cell phone." Qualcomm has refused to answer either interrogatory. Instead, as it did in response to Interrogatory Nos. 16 and 17, Qualcomm objects in contradictory fashion that the interrogatories "assume facts" on the one hand and are "calling for legal conclusions concerning claim construction and contention theories" on the other hand. As before, neither of these characterizations is accurate. Rather, these two interrogatories seek facts. If any Qualcomm chips or chipsets are capable of controlling the rate at which a cell phone scans for base stations, they must be identified. (Int. No. 25.) If any chips or chipsets can indicate that data awaits delivery, these too must be identified. (Int. No. 26.)

**Interrogatory Nos. 31, 32, 35 & 36.** Interrogatory Nos. 31 and 32 are directed toward understanding the manufacture of the Qualcomm Accused Products, while Interrogatory Nos. 35 and 36 are directed toward understanding importation of the Qualcomm Accused Products – each is directed to facts about which Broadcom is entitled to discovery. To date, Qualcomm has refused to answer these questions. In particular, Qualcomm agreed that Interrogatory Nos. 35 and 36 required supplementation back on September 1<sup>st</sup> (September 1, 2005 Letter From S. Murphy to C. Rushing), but the supplementation finally received this evening does not do so. Rather, this supplement only reiterates Qualcomm's refusal to respond. It is simply not credible, for instance, that Qualcomm has no product forecast information (as called for in Interrogatory Nos. 35 and 36.) Please confirm that Qualcomm will provide substantive supplementation of its responses to these Interrogatories by the end of the week.

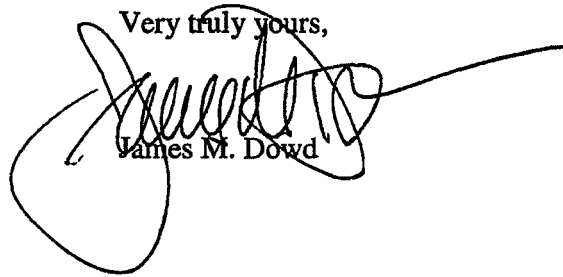
**Interrogatory No. 63.** This interrogatory seeks to reduce the number of necessary depositions by requiring the identification of persons most knowledgeable about Qualcomm's corporate structure and operations. Qualcomm had previously agreed to supplement its response to this Interrogatory. While it did so yesterday (incorporating its response to the OUII Staff Interrogatory No. 8), its supplementation does not satisfactorily address the issue. The Staff's interrogatory is directed to the operation of the Qualcomm Accused Products, not the corporate operation and structure of Qualcomm itself. Please supplement to correct Qualcomm's deficient response to Interrogatory No. 63 and thereby streamline discovery.

\* \* \*

Rachel A. Adams  
September 28, 2005  
Page 6

As set forth above, Qualcomm's failure to provide complete and meaningful discovery on these critical issues has and will continue to unfairly prejudice Broadcom's ability to prepare for depositions of Qualcomm's witnesses. With discovery scheduled to close November 18<sup>th</sup>, and with few Discovery Committee meetings remaining between now and then, it is imperative that this issues be resolved as soon as possible. To that end, we expect to address these issues during our Discovery Committee call tomorrow, and that Qualcomm will rectify these deficiencies on or before October 4, 2005 (when depositions are scheduled to commence). While we would prefer not to, if these issues are not satisfactorily addressed by then, we will need to bring them to Judge Bullock's attention so as to avoid any further prejudice to Broadcom. I look forward to your prompt response.

Very truly yours,

A handwritten signature in black ink, appearing to read "James M. Dowd", is written over the typed name. The signature is stylized and includes a large loop on the left side and a long horizontal stroke extending to the right.

James M. Dowd

cc: Karen Norton, Esq.

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\*\*\* TX REPORT \*\*\*  
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WILMER CUTLER PICKERING  
HALE AND DORR LLP

FACSIMILE

DATE September 28, 2005	
TO Rachel A. Adams, Esq. Howrey LLP	FAX fax: 202.383.6610 phone: 202.783.0800
Karin J. Norton, Esq. U.S. International Trade Commission	fax: (202) 205-2158 phone: (202) 205-2606
FROM James M. Dowd 8433	NUMBER OF PAGES, INCLUDING COVER 7

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+1 202 942 8484 fax  
wilmerhale.com

MESSAGE

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

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SUBADDRESS  
CONNECTION ID  
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USAGE T 01'19  
PGS. SENT 7  
RESULT OK

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HALE AND DORR LLP

FACSIMILE

DATE  
September 28, 2005

TO  
Rachel A. Adams, Esq.  
Howrey LLP

FAX  
fax: 202.383.6610  
phone: 202.783.0800

Karin J. Norton, Esq.  
U.S. International Trade  
Commission

fax: (202) 205-2158  
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FROM  
James M. Dowd  
8433

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MESSAGE

WILMER CUTLER PICKERING  
HALE AND DORR LLP

FACSIMILE

---

DATE

September 28, 2005

---

TO

Rachel A. Adams, Esq.  
Howrey LLP

FAX

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U.S. International Trade  
Commission

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FROM

James M. Dowd  
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MESSAGE

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# **EXHIBIT E**

WILMER CUTLER PICKERING  
HALE AND DORR LLP

October 18, 2005

VIA FACSIMILE AND FIRST CLASS MAIL

Louis Campbell, Esq.  
Howrey LLP  
301 Ravenswood Ave.  
Menlo Park, CA 94025

Gregory Lantier

THE WILLARD OFFICE BUILDING  
1455 PENNSYLVANIA AVENUE, N.W.  
WASHINGTON, DC 20004  
+1 202 942 8516  
+1 202 942 8484 fax  
gregory.lantier@wilmerhale.com

Re: In the Matter of Certain Baseband Processor Chips and Chipsets, Transmitter and Receiver (Radio) Chips, Power Control Chips, and Products Containing Same, Including Cellular Telephone Handsets, Investigation No. 337-TA-543

Dear Louis:

Shortly after Alan Koenck's deposition last Thursday, during which Mr. Koenck testified fully but without the ability to shed light on any relevant issue, I asked again whether Qualcomm would cancel the deposition of third party Russell C. Scott, scheduled to take place today in Austin, Texas. As I had explained to you and Matt in previous phone calls, Mr. Scott appeared to have even less relevant knowledge than did Mr. Koenck. You confirmed that Qualcomm intended to proceed with the deposition.

As you were aware, I flew from Washington, DC, to Austin, Texas, to meet with Mr. Scott yesterday in preparation for his deposition. Despite Broadcom's early and repeated requests to cancel needless depositions of individuals like Mr. Scott, it was not until about 3:30 p.m. yesterday, after I had spent part of the day with Mr. Scott and less than eighteen hours before his deposition was set to begin, that you informed me Qualcomm was canceling his deposition.

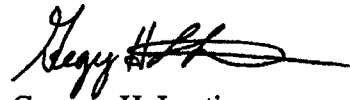
While Mr. Scott certainly appreciates that Qualcomm did not take up more of his valuable time this morning with a deposition, I am concerned that he unnecessarily spent yesterday afternoon preparing for the deposition, and that Broadcom incurred the expenses associated with my traveling to Austin for no reason. I appreciate that we are all working hard to get these depositions completed in a tight schedule, but such needless waste of time is unfair to third parties like Mr. Scott (not to mention unfairly prejudicial to Broadcom). In the future, I would ask that Qualcomm please provide at least 48 hours notice prior to canceling a deposition.

As you know, Gary Stanford's and Bruce Garlick's depositions are scheduled to take place in Austin next week. Both of these gentlemen are similarly situated to Mr. Scott and Gregory Goshorn (whose deposition Qualcomm has also taken off the calendar), in that they have little or no recollection of prosecuting any patent at issue and did not have control of any documents responsive to Qualcomm's subpoenas. Please consider carefully whether there is any

Louis Campbell, Esq.  
October 18, 2005  
Page 2

basis to proceed with these depositions and let me know whether they will go forward no later than close of business on Friday.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gregory H. Lantier", with a stylized flourish at the end.

Gregory H. Lantier

cc: Karin Norton, Esq.

# **EXHIBIT F**

**HOWREY**<sub>LLP</sub>301 Ravenswood Avenue  
Menlo Park, CA 94025-3434  
T 650.463.8100  
F 650.463.8400  
www.howrey.com

Direct Dial 650.463.8309

File 05920.0032

October 20, 2005

**VIA FACSIMILE AND U.S. MAIL**Elizabeth M. Reilly, Esq.  
WILMER CUTLER PICKERING  
HALE AND DORR  
60 State Street  
Boston, MA 02109

Re: In the Matter of Certain Baseband Processor Chips and Chipsets,  
Transmitter and Receiver (Radio) Chips, Power Control Chips,  
and Products Containing Same, Including Cellular Telephone  
Handsets, Investigation No. 337-TA-543

Dear Ms. Reilly:

Pursuant to my telephone messages of today, I noticed two errors in my letter of yesterday. First, John Burke is no longer available on October 27 or 28. We will contact you shortly to provide his availability. Second, Jeremy Dunworth is available October 31, not November 30.

Ricky Yuen is available on or after November 8, 2005.

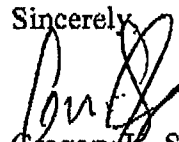
Nathan Krishnan is available on either October 28 or October 31. His schedule in the month of November is extremely busy. Therefore, he might not be available after October 31.

David Wilding is available from October 31 through November 4, 2005. As with Krishnan, Wilding's November schedule is extremely busy. He might not be available after November 4.

Although both Krishnan and Wilding are available on October 31, only one of those two depositions can take place on that date, not both.

Please call if you have any questions.

Sincerely,

  
Gregory R. Storey

cc: Karin Norton, Esq.

# HOWREY<sub>LLP</sub>

301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

## FACSIMILE COVER SHEET

DATE: October 20, 2005

TO:

1. NAME: Elizabeth M. Reilly, Esq. COMPANY: Wilmer Cutler Pickering et al.  
CITY: Boston, MA FAX #: 617.526.5000 PHONE #: 617.526.6704

2. NAME: Karin Norton, Esq. COMPANY: USITC/OUII  
CITY: Washington DC FAX #: 202.205.2158 PHONE #: 202.205.2560

FROM: NAME: Gregory K. Storey

DIRECT DIAL NUMBER: 650.463.8309 USER ID: 2700

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www.howrey.com

October 19, 2005

Direct Dial 650.463.8135  
File 05920.0032.000000

VIA FACSIMILE AND REGULAR MAIL

Gregory K. Goshorn, Esq.  
2110 Slaughter Lane, Suite 115-119  
Austin, TX 78748

Re: *In the Matter of Certain Baseband Processor Chips and Chipsets,  
Transmitter and Receiver (Radio Chips), Power Control Chips,  
and Products Containing Same, Including Cellular Telephone  
Handsets, Inv. No. 337-TA-543*

Dear Greg:

This letter is to confirm our teleconference of yesterday. We have decided to put your deposition back on calendar. We believe it will be a short deposition. We will begin your deposition at 1 p.m. next Tuesday, October 25, 2005. The deposition will take place at Acuscribe Court Reporters, 114 W Seventh St, Suite 750, Austin, Texas.

If you have any questions, please do not hesitate to call me.

Sincerely,



Louis Campbell

cc: Karin Norton, Esq.  
Maria Vento, Esq.

# HOWREY LLP

301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

## FACSIMILE COVER SHEET

DATE: October 19, 2005

TO:

1. NAME: Gregory K. Goshorn, Esq. COMPANY: \_\_\_\_\_

CITY: Austin, TX FAX #: (512) 291-9275 PHONE #: \_\_\_\_\_

2. NAME: Maria K. Vento, Esq. COMPANY: Wilmer Cutler Pickering et al.

CITY: Washington DC FAX #: (202) 942-8484 PHONE #: (202) 942-8400

3. NAME: Karin Norton, Esq. COMPANY: USITC/OUII

CITY: Washington DC FAX #: (202) 205-2158 PHONE #: (202) 205-2560

FROM: NAME: Louis L. Campbell

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THIS MESSAGE AND ITS CONTENTS ARE UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE WITH THE TRANSMISSION OF THIS FACSIMILE TO: (650) 463-8100

**HOWREY**<sub>LLP</sub>

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File 05920.0032.000000

October 19, 2005

BY FACSIMILE AND REGULAR MAIL

Gregory Lantier, Esq.  
Wilmer Cutler Pickering Hale and Dorr LLP  
1455 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Re: *In the Matter of Certain Baseband Processor Chips and Chipsets,  
Transmitter and Receiver (Radio Chips), Power Control Chips,  
and Products Containing Same, Including Cellular Telephone  
Handsets, Inv. No. 337-TA-543*

Dear Greg:

This letter serves to memorialize our telephonic conference of yesterday afternoon.

I expressed my concern that many of these inventor depositions will have to occur with no document production or limited document production. Nonetheless with the close of discovery fast approaching, Qualcomm will proceed with confirming dates for inventors. However, should Qualcomm's motion to extend the deadlines be granted, it is Qualcomm's hope that some, if not all, of these inventor depositions can be postponed by a few weeks to allow Qualcomm more time to receive and review documents prior to the depositions. This same courtesy will, of course, be extended to you with the depositions of Qualcomm employees.

We are now prepared to take the depositions of Messrs. Luse, Gollnick, and Bunte on October 26, 27, and 28, respectively. You agreed to confirm that these dates are still workable. I informed you that we would take the deposition of Steven Koenck at a later date in November. I informed you that if Mr. Vorenkamp is still available on November 3 in DC, we would be prepared to take his deposition as well. You informed me that Mr. Kinney will likely be available on November 3 in DC. If that is the case, that date is acceptable to us.

I also informed you that we were prepared to take the deposition of Mr. Gomez on November 4 in DC as long as certain documents had been produced with enough time for Qualcomm to review the documents before the deposition. I agreed to let you know what those documents were in this letter. Those documents are:


- (1) Materials relating to Gomez' conception of the '675 invention;

**HOWREY**<sub>LLP</sub>

Gregory Lantier  
October 19, 2005  
Page 2

- (2) Engineering materials including schematic and architectural documents relating to BCM 3415 and any other Broadcom parts that included either switched capacitors in a VCO tank or programmable charge pumps;
- (3) Communications between Gomez and Semiconductor Insights re RTR6300;
- (4) Any documents regarding Gomez' declaration, filed in an IDS during prosecution of the '675 patent, or any accompanying investigation conducted by Gomez; and
- (5) Any documents authored by Gomez relating to PLL circuitry.

Sincerely,

  
Louis Campbell

cc: Karin Norton, Esq.  
Maria Vento, Esq.

# HOWREY LLP

301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

## FACSIMILE COVER SHEET

DATE: October 19, 2005

TO:

1. NAME: Gregory Lantier, Esq. COMPANY: Wilmer Cutler Pickering et al.

CITY: Washington DC FAX #: (202) 942-8484 PHONE #: (202) 942-8400

2. NAME: Maria K. Vento, Esq. COMPANY: Wilmer Cutler Pickering et al.

CITY: Washington DC FAX #: (202) 942-8484 PHONE #: (202) 942-8400

3. NAME: Karin Norton, Esq. COMPANY: USITC/OUII

CITY: Washington DC FAX #: (202) 205-2158 PHONE #: (202) 205-2560

FROM: NAME: Louis L. Campbell

DIRECT DIAL NUMBER: (650) 463-8135 USER ID: 2366

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# HOWREY LLP

301 Ravenswood Avenue  
Menlo Park, CA 94025-3434  
T 650.463.8100  
F 650.463.8400  
www.howrey.com

Direct Dial 650.463.8309

File 05920.0032

October 19, 2005

Elizabeth M. Reilly, Esq.  
WILMER CUTLER PICKERING  
HALE AND DORR  
60 State Street  
Boston, MA 92109

Re: In the Matter of Certain Baseband Processor Chips and Chipsets,  
Transmitter and Receiver (Radio) Chips, Power Control Chips,  
and Products Containing Same, Including Cellular Telephone  
Handsets, Investigation No. 337-TA-543

Dear Ms. Reilly:

This letter serves to confirm our conversation of today regarding upcoming depositions. Please let me know as soon as possible if anything stated herein is inaccurate.

### Qualcomm Depositions

Regarding Geoffrey Aranoff, we confirmed the deposition will take place on November 9, 2005 in California. You will contact us shortly to confirm the city.

Regarding Scott Bibacu, your office has not yet provided us with available dates. You will contact us shortly to do so.

Regarding Kevin Cadieux, your office has not yet provided us with available dates. You will contact us shortly to do so.

Regarding Yossi Cohen, we confirmed the deposition will take place on November 3, 2005, at Howrey's offices in Irvine, California.

Regarding Pascal Finkenbeiner, you proposed November 16-17, 2005. We will confirm shortly whether these dates are workable.

Regarding Bruce Garlick, we confirmed the deposition will take place on October 25, 2005 in Austin, Texas.

Regarding Ramon Gomez, we have confirmed the deposition will take place on November 4, 2005 in Washington, D.C., assuming Broadcom produces the following documents prior to the deposition.

- (1) Materials relating to Gomez' conception of the '675 invention;

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LOS ANGELES MENLO PARK NORTHERN VIRGINIA PARIS SAN FRANCISCO WASHINGTON, DC

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Elizabeth M. Reilly, Esq.  
October 19, 2005  
Page 2

- (2) Engineering materials including schematic and architectural documents relating to BCM 3415 and any other Broadcom parts that included either switched capacitors in a VCO tank or programmable charge pumps;
- (3) Communications between Gomez and Semiconductor Insights re RTR6300;
- (4) Any documents regarding Gomez' declaration, filed in an IDS during prosecution of the '675 patent, or any accompanying investigation conducted by Gomez; and
- (5) Any documents authored by Gomez relating to PLL circuitry.

These materials were requested in a letter of today's date from Louis Campbell to Greg Lantier.

Regarding Gregory Goshorn, we informed you that his deposition is back on calendar and will take place on October 25, 2005 in Austin, Texas.

Regarding Jeyhan Karaoguz, your office has not yet provided us with available dates. You will contact us shortly to do so.

Regarding Patrick Kinney, we confirmed the deposition will take place on November 3, 2005 at Howrey's office in Washington, D.C.

Regarding Stephen Koenck, we have not yet agreed on a workable date. As discussed, it does not look like the week of October 24, 2005 will work. We will contact you shortly to further discuss a workable date.

Regarding Kourosh Kohantev, your office has not yet provided us with available dates. You will contact us shortly to do so.

Regarding Tom Kwan, you offered November 10-11, 2005 in Palo Alto, California. We are available on November 10, 2005 in Palo Alto, assuming your office serves us with the documents set forth above (in the discussion re Ramon Gomez) prior to November 4, 2005.

Regarding Ronald Luce, we will confirm whether the deposition can be taken the week of October 24, 2005. We will get back to you shortly.

Regarding Robert Meier, it appears the deponent is willing to travel for deposition in Washington, D.C. so long as it can take place on a Friday. Because November 4 and November 11 do not appear to work, we are inquiring regarding the November 18, 2005 date. The

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Elizabeth M. Reilly, Esq.  
October 19, 2005  
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alternative is to depose Mr. Meier on another weekday in Cleveland, Ohio. We will contact you shortly to discuss further.

Regarding Robert Rango, you offered November 18, 2005 in Irvine, California. We will contact you shortly to confirm whether this date is workable.

Regarding Nelson Sollenberger, your office has not yet provided us with available dates. You will contact us shortly to do so.

Regarding Peter Vorenkamp, you offered November 10-11, 2005 in Irvine, California. We are available on November 11, 2005 in Irvine, assuming your office serves us with the documents set forth above (in the discussion re Ramon Gomez) prior to November 4, 2005.

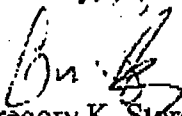
**Broadcom Depositions**

We confirmed the following individuals for deposition on the following dates:

Liat Ben-Zur	November 8, 2005
John Burke	October 27, 2005
Jeremy Dunworth (individually and under 30(b)(6))	November 30, 2005
Louis Pineda	November 10, 2005
Christine Schweitzer	November 16, 2005
Gordon Sim	October 27, 2005
James Tran	November 4, 2005
Brian Wezker	October 26, 2005

Please let us know where in San Diego, California these depositions will occur.

Sincerely,

  
Gregory K. Storey

cc: Karin Norton, Esq.

# HOWREY LLP

301 RAVENSWOOD AVENUE  
MENLO PARK, CA 94025-3434  
PHONE: 650.463.8100 • FAX: 650.463.8400

## FACSIMILE COVER SHEET

DATE: October 19, 2005

TO:

1. NAME: Elizabeth M. Reilly, Esq. COMPANY: Wilmer Cutler Pickering et al.  
CITY: Boston, MA FAX#: 617.526.5000 PHONE #: 617.526.6704

2. NAME: Karin Norton, Esq. COMPANY: USITC/OUII  
CITY: Washington DC FAX#: 202.205.2158 PHONE #: 202.205.2560

FROM: NAME: Gregory K. Storey

DIRECT DIAL NUMBER: 650.463.8309 USER ID: 2700

NUMBER OF PAGES, INCLUDING COVER: 4 CHARGE NUMBER: 05920.0032.000000

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SUPPLEMENTAL MESSAGE:

Please see attached.

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*Inv. No. 337-TA-543*

U.S. International Trade Commission; Before the Honorable Charles Edward Bullock

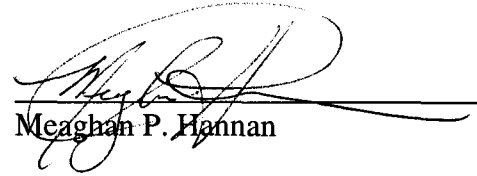
**CERTIFICATE OF SERVICE**

I, Meaghan P. Hannan, hereby certify that copies of the foregoing COMPLAINANT BROADCOM CORPORATION'S RESPONSE TO MOTION OF QUALCOMM INCORPORATED TO EXTEND TARGET DATE were served upon the following parties on this 24<sup>th</sup> day of October 2005:

The Hon. Marilyn R. Abbott Secretary U.S. International Trade Commission 500 E Street, S.W., Room 112 Washington, DC 20436	Original plus six copies by hand
The Honorable Charles E. Bullock U.S. International Trade Commission 500 E Street S.W., Room 317 Washington, D.C. 20436	2 copies by hand
Jennifer Whang Jennifer.Whang@usitc.gov	1 copy by electronic mail
Karin J. Norton, Esq. Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street S.W., Room 401-A Washington, D.C. 20436	1 copy by hand
Cecilia H. Gonzalez, Esq. Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004	1 copy by hand and 1 copy by facsimile
Bert C. Reiser, Esq. Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004	1 copy by facsimile
Peter J. Chassman, Esq. Howrey LLP 1111 Louisiana, 25 <sup>th</sup> Floor Houston, TX 77002-5242	1 copy by Federal Express

Christopher L. Kelley, Esq.  
Howrey LLP  
301 Ravenswood Avenue  
Menlo Park, CA 94025

1 copy by Federal Express



Meaghan P. Hannan