

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: QUALCOMM ANTITRUST
LITIGATION

Case No. 17-MD-02773-LHK

**ORDER APPROVING FORM AND
MANNER OF CLASS NOTICE**

Re: Dkt. No. 783

On October 30, 2018, Plaintiffs’ filed the Motion to Approve the Form and Manner of Class Notice. ECF No. 783. On November 14, 2018, Plaintiffs filed a Supplemental Statement in support of the Motion to Approve the Form and Manner of Class Notice. ECF No. 795. The Supplemental Statement included a Revised Long Form Notice. ECF No. 795-1. Defendant takes no position on the Form and Manner of Class Notice. ECF No. 783.

Having considered Plaintiffs’ submissions, the relevant law, and the record in this case, the Court GRANTS Plaintiffs’ Motion to Approve the Form and Manner of Class Notice. The Court further orders as follows:

1. The Court approves the Short Form Notice as set forth in Exhibit 4 to the Declaration of Linda V. Young. See ECF No. 783-6.

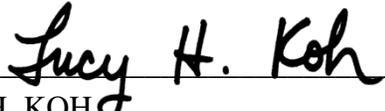
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- 2. The Court approves the Long Form Notice as set forth in the attached redline and clean versions, attached to this Order as Exhibits 1 and 2.
- 3. Class members shall have at least 60 days from the date that notice is disseminated to request exclusion from the class.

IT IS SO ORDERED.

Dated: December 6, 2018



 LUCY H. KOH
 United States District Judge

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

NOTICE OF PENDENCY OF CLASS ACTION

If you have purchased a cellular phone since February 11, 2011, a class action lawsuit may affect your rights.

*This Notice is being provided by Order of the U.S. District Court.
 It is not a solicitation from a lawyer. You are not being sued.*

- A lawsuit is pending in the United States District Court for the Northern District of California (the “Court”) against Qualcomm Incorporated (“Qualcomm”). Plaintiffs in the lawsuit claim that Qualcomm violated state and federal antitrust laws in the United States, harming competition and causing consumers to overpay for cellular phones.
- The lawsuit is about whether Qualcomm engaged in anticompetitive conduct that raised the price consumers paid for cellular phones. The cellular phones involved in this litigation include phones with CDMA and LTE technologies. This includes cellular phones manufactured and sold by companies such as Apple, Samsung, LG, Motorola, and ZTE. A list of all models of cellular phones included in this litigation is attached to this Notice as Exhibit 1.
- On September 27, 2018, the Court determined that this case could proceed as a class action. Your legal rights and options are explained below.
- The Court has not decided whether Qualcomm did anything wrong. There is no money available now, and no guarantee there will be. However, your legal rights are affected, and you have a choice to make now.

CERTIFIED CLASS

The Class certified by the Court includes the following persons and entities:

All natural persons and entities in the United States who purchased, paid for, and/or provided reimbursement for some or all of the purchase price for all UMTS, CDMA (including CDMAone and cdma2000) and/or LTE cellular phones (“Relevant Cellular Phones”) for their own use and not for resale from February 11, 2011, through the present (the “Class Period”) in the United States.

The following persons and/or entities are excluded from the Class:

- Qualcomm, its officers, directors, management, employees, subsidiaries, and affiliates;
- All federal and state governmental entities;
- All persons or entities who purchased Relevant Cellular Phones for purposes of resale; and
- Any judges or justices involved in this action and any members of their immediate families or their staff.

YOUR LEGAL RIGHTS AND OPTIONS	
DO NOTHING	This option means that you remain part of the Class and you keep the possibility of getting money or benefits that may come from a trial or a settlement. But you give up rights to be part of any other lawsuit that asserts claims related to the allegations or claims against Qualcomm in this case.
EXCLUDE YOURSELF FROM THE CLASS	This option allows you to exclude yourself from the Class and instead file a lawsuit against Qualcomm asserting claims related to the allegations or claims in this case. The exclusion deadline is .

THESE RIGHTS AND OPTIONS AND THE DEADLINES TO EXERCISE THEM ARE EXPLAINED IN THIS NOTICE.

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BASIC INFORMATION ABOUT THE LAWSUIT

1. What is the lawsuit about?

The lawsuit is about whether Qualcomm engaged in anticompetitive conduct that raised the price United States consumers paid for cellular phones. Plaintiffs (those who brought the suit) allege Qualcomm’s actions denied consumers who paid for cellular phones the benefits of competition and caused them to pay higher prices than they otherwise would have.

Qualcomm denies these claims and denies that it did anything wrong. The litigation is proceeding and, at this point, no court has found that Qualcomm engaged in any wrongdoing.

2. What is the current status of the lawsuit?

The lawsuit is currently pending in the Court before United States District Judge Lucy H. Koh. The case name is *In re: Qualcomm Antitrust Litigation* and the civil action number is 17-MD-02773-LHK. Trial is currently scheduled to begin on June 24, 2019.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called “Class Representatives” sue on behalf of other people who have similar claims. The people together are a “class” or “class members.” The people who sued and all the class members like them are called the Plaintiffs. The company they sued (in this case Qualcomm) is called the Defendant. One court resolves the issues for everyone in the class—except for those people who choose to exclude themselves from the class.

4. Why is this lawsuit a class action?

The Court decided that this lawsuit can move towards a trial as a class action because it meets the requirements of the Federal Rules of Civil Procedure, which govern class actions in United States courts.

5. **Is there any money available now?**

No money or benefits are available now because the Court has not yet decided whether Qualcomm did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits ever will be obtained. If they are, notice will be given about how to obtain a share.

DETERMINING IF YOU ARE A MEMBER OF THE CLASS

6. **I purchased a cellular telephone; how do I know if I am a member of the Class?**

You are a member of the Class if:

- From February 11, 2011, you purchased, paid for, and/or provided reimbursement for some or all of the purchase price for a UMTS, CDMA (including CDMAone and cdma2000) and/or LTE cellular phone for your own use and not for resale from February 11, 2011, through the present in the United States. Members of the class include consumers who received cellular phones as part of the purchase of a wireless network services contract from a wireless operator such as Verizon, AT&T, T-Mobile, or Sprint.
- These Relevant Cellular Phones are phones with CDMA and LTE technologies. The Relevant Cellular Phones includes phones manufactured and sold by companies such as Apple, Samsung, Motorola, LG, and ZTE. A list of all models of cellular phones included in this litigation is attached to this Notice as Exhibit 1.
- The following are *NOT* members of the Class:
 - a) Qualcomm, its officers, directors, management, employees, subsidiaries, and affiliates;
 - b) All federal and state governmental entities;
 - c) All persons or entities who purchased Relevant Cellular Phones for purposes of resale; and
 - d) Any judges or justices involved in this action and any members of their immediate families or their staff.

IF YOU DO NOTHING

7. **What happens if I do nothing at all?**

If you do nothing, you will be bound by the outcome of the case. Unless you exclude yourself, you will not be able to file a lawsuit or be part of any other lawsuit asserting claims against Qualcomm concerning or relating to the claims and factual allegations that were or could have been raised in this action.

EXCLUDING YOURSELF FROM THE CLASS

8. **What does it mean to request to be excluded the Class?**

If you do not want to be part of the Class and you want to keep your right to sue Qualcomm relating to the allegations concerning the alleged anticompetitive conduct described in this Notice, then you must take steps to remove yourself from Class. This is called excluding yourself, or “opting out” of the Class. If you exclude yourself, you will not be eligible to receive any payment from future settlements or judgments in this lawsuit.

9. **How do I get out of the Class?**

To exclude yourself from the Class, you must send a letter by mail stating that you wish to be excluded from the Class in *In re: Qualcomm Antitrust Litigation*, Case No. 17-MD-02773-LHK. Be sure to include your name, address, telephone number, and signature. You cannot exclude yourself on the telephone or by email. You must mail your Request for Exclusion, postmarked no later than , to:

Qualcomm Antitrust Litigation
EXCLUSIONS
P.O. Box 173001
Milwaukee, WI 53217

10. What is the legal significance of excluding myself?

If you exclude yourself, you will not be legally bound by the outcome of this action. You may be able to sue Qualcomm based on the claims described in this Notice in the future.

11. If I don't exclude myself, can I sue later?

No. Unless you exclude yourself, you give up the right to sue Qualcomm for the claims in this case. You must exclude yourself from the Class to be able to bring your own, separate lawsuit(s) against Qualcomm. Remember, the exclusion deadline is .

THE LAWYERS REPRESENTING YOU

12. As a member of the Class, do I have a lawyer representing my interests in this Class Action?

Yes. The Court has appointed lawyers to represent you and other Class members. These lawyers are called Class Counsel. ~~You will not be charged individually for these lawyers. They will ask the Court to approve and award attorneys' fees, expenses and incentive awards that would either be deducted from any money obtained for the Class or paid separately by Defendant. in connection with the litigation.~~ The following lawyers represent the Class:

CLASS COUNSEL	
Kalpana Srinivasan, Esq. SUSMAN GODFREY, LLP 1900 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067-6029 (310) 789-3100	Joseph W. Cotchett, Esq. COTCHETT, PITRE & MCCARTHY, LLP 840 Malcolm Road, Suite 200 Burlingame, CA 94010 (650) 697-6000

13. How will the lawyers be compensated? Will the named Plaintiffs receive an incentive award?

Class Counsel may seek up to one-third of any recovery that may be obtained in this action against Qualcomm, plus costs and expenses of litigation. They also may ask for incentive awards for the named Plaintiffs from any recovery that may be obtained in this action. These fees, costs, and awards will ultimately be determined by the Court.

14. Should I get my own lawyer?

You do not need to hire your own lawyer ~~because Class Counsel is working on behalf of the Class, but if~~ you hire a lawyer to speak for you or appear in Court, your lawyer must file a Notice of Appearance. If you hire your own lawyer, you will have to pay for that lawyer on your own.

GETTING MORE INFORMATION

15. Where do I get more information?

This Notice contains a summary of relevant Court papers. ~~You can also review relevant Decisions and Orders and additional information about this action on the case website online at www.xxxxxxxxx.com. You may also contact the above-named Class Counsel.~~ Complete copies of all public pleadings, Court rulings, and other filings are available for review ~~and copying~~ by accessing the Court docket in this case, for a fee, through the Court's Public Access to Court Electronic Records (PACER) system at <https://ecf.cand.uscourts.gov>, or visiting at the office of the Clerk's of the Court for office. The address is the United States District Court for the Northern District of California, San Jose Courthouse, Courtroom 8—4th Floor Robert F. Peckham Federal Building & United States Courthouse, 280 South 1st Street, Room 2112, San Jose, CA 95113, between 9:00 a.m. and 4:00 p.m., Monday through Friday, excluding Court holidays. Judge Lucy H. Koh for the United States District Court for the Northern District of California is overseeing this action. ~~You can also review relevant Decisions and Orders online at www.xxxxxxxxx.com.~~

~~Additional information about this action is available on the case website, www.xxxxxxxxx.com. You may also contact the above named Plaintiffs' Class Counsel.~~

~~Please do not contact the Court or Judge Koh. PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.~~

DATED: , 2018

BY ORDER OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

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PLEASE DO NOT CONTACT THE COURT OR THE COURT CLERK'S OFFICE TO INQUIRE ABOUT THIS CASE.

DATED: , 2018

BY ORDER OF THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA