

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES, INC., a  
Delaware corporation, and AMD  
INTERNATIONAL SALES & SERVICES,  
LTD., a Delaware corporation,

Plaintiffs,

v.

INTEL CORPORATION, a Delaware  
corporation, and INTEL KABUSHIKI KAISHA,  
a Japanese corporation,

Defendants.

C.A. No. 05-441-JJF

IN RE  
INTEL CORPORATION  
MICROPROCESSOR ANTITRUST  
LITIGATION

MDL No. 1717-JJF

PHIL PAUL, on behalf of himself  
And all others similarly situated,

Plaintiffs

v.

INTEL CORPORATION,

Defendants.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

Public Version:  
December 2, 2008

**DECLARATION OF DANIEL S. FLOYD IN SUPPORT OF DEFENDANTS' MOTION  
TO DISMISS, OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT ON AMD'S  
EXPORT COMMERCE CLAIM**

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Attorneys for Defendants  
Intel Corporation and  
Intel Kabushiki Kaisha

Dated: November 21, 2008

Public Version:  
December 2, 2008

I, Daniel S. Floyd, declare as follows:

I am an attorney admitted to practice law in the State of California and before this Court *pro hac vice*. I am counsel at Gibson, Dunn & Crutcher LLP, counsel of record for Intel Corporation ("Intel") in the above actions. The matters contained in this Declaration are based on personal knowledge, except those matters stated on information and belief, and if called as a witness, I would competently testify under oath as to them.

1. Attached as **Exhibit 1** is a true and correct copy of the relevant pages from AMD's 2000 Form 10-K405, filed with the Securities and Exchange Commission ("SEC") on Mar. 20, 2001.
2. Attached as **Exhibit 2** is a true and correct copy of the Declaration of William T. Siegle in Support of Plaintiffs' Motion to Compel.
3. Attached as **Exhibit 3** is a true and correct copy of the relevant pages from the transcript of the Deposition of William T. Siegle, dated July 9-10, 2008 ("Siegle Dep.").
4. Attached as **Exhibit 4** is a true and correct copy of the relevant pages from AMD's 1997 Form 10-K405, filed with the SEC on Mar. 3, 1998.
5. Attached as **Exhibit 5** is a true and correct copy of the relevant pages from the transcript of the Deposition of Daryl Ostrander, dated July 30, 2008 ("Ostrander Dep.").
6. Attached as **Exhibit 6** is a true and correct copy of an AMD email chain produced by AMD in this action, and bearing the Bates numbers AMD-F070-00025632-35.
7. Attached as **Exhibit 7** is a true and correct copy of Exhibit No. 5160 introduced at the Siegle Dep.
8. Attached as **Exhibit 8** is a true and correct copy of an AMD presentation produced by AMD in this action and bearing the Bates numbers AMD-F049-5100021-34.

9. Attached as **Exhibit 9** is a true and correct copy of the relevant pages from AMD's 2005 Form 10-K, filed with the SEC on Feb. 27, 2006.
10. Attached as **Exhibit 10** is a true and correct copy of the relevant pages from Intel's 1999 Form 10-K, filed with the SEC on Mar. 23, 2000.
11. Attached as **Exhibit 11** is a true and correct copy of an AMD Board of Directors presentation produced by AMD in this action and bearing the Bates numbers AMD-F078-00003291-321.
12. Attached as **Exhibit 12** is a true and correct copy of an AMD Board of Directors presentation produced by AMD in this action and bearing the Bates numbers AMD-F107-5100002-10.
13. Attached as **Exhibit 13** is a true and correct copy of the relevant pages from AMD's 2000 Annual Report to Stockholders.
14. Attached as **Exhibit 14** is a true and correct copy of AMD's Form 8-K, filed with the SEC on Apr. 21, 2000.
15. Attached as **Exhibit 15** is a true and correct copy of AMD's Form 8-K, filed with the SEC on July 31, 2000.
16. Attached as **Exhibit 16** is a true and correct copy of AMD's Form 8-K, filed with the SEC on Oct. 20, 2000.
17. Attached as **Exhibit 17** is a true and correct copy of the relevant pages from AMD's 1999 Form 10-K405, filed with the SEC on Mar. 21, 2000.
18. Attached as **Exhibit 18** is a true and correct copy of Exhibit No. 5168 introduced at the Siegle Dep.

19. Attached as **Exhibit 19** is a true and correct copy of an [REDACTED] presentation produced by AMD in this action and bearing the Bates numbers AMD-F049-00046150-74.

20. Attached as **Exhibit 20** is a true and correct copy of an [REDACTED] presentation produced by AMD in this action and bearing the Bates numbers AMD-F049-5100035-58.

21. Attached as **Exhibit 21** is a true and correct copy of Exhibit No. 5136 introduced at the Siegle Dep.

22. Attached as **Exhibit 22** is a true and correct copy of AMD financial statements produced by AMD in this action and bearing the Bates numbers AMD-F096-5102330-78.

23. Attached as **Exhibit 23** is a true and correct copy of AMD financial statements produced by AMD in this action and bearing the Bates numbers AMD-F096-5102379-427.

24. Attached as **Exhibit 24** is a true and correct copy of a transcript from AMD's Third Quarter 2001 earnings call produced by AMD in this action and bearing the Bates numbers AMD-F096-5102317-29.

25. Attached as **Exhibit 25** is a true and correct copy of an AMD email, dated November 13, 2001, produced by AMD in this action and bearing the Bates numbers AMD-F012-00003500-02.

26. Attached as **Exhibit 26** is a true and correct copy of an AMD email, dated September 10, 2002, and a document attached thereto, produced by AMD in this action and bearing the Bates numbers AMD-F096-5102274-77.

27. Attached as **Exhibit 27** is a true and correct copy of a transcript from AMD's Fourth Quarter 2002 earnings call produced by AMD in this action and bearing the Bates numbers AMD-F096-5102278-98.

28. Attached as **Exhibit 28** is a true and correct copy of AMD's Form 8-K, filed with the SEC on Jan. 24, 2001.

29. Attached as **Exhibit 29** is a true and correct copy of Exhibit No. 5166 introduced at the Siegle Dep.

30. Attached as **Exhibit 30** is a true and correct copy of Exhibit No. 5162 introduced at the Siegle Dep.

31. Attached as **Exhibit 31** is a true and correct copy of an AMD email, dated December 8, 2000, and a presentation attached thereto, produced by AMD in this action and bearing the Bates numbers AMD-F118-5100063-70.

32. Attached as **Exhibit 32** is a true and correct copy of Exhibit No. 5164 introduced at the Siegle Dep.

33. Attached as **Exhibit 33** is a true and correct copy of an AMD presentation produced by AMD in this action and bearing the Bates numbers AMD-F049-00046208-18.

34. Attached as **Exhibit 34** is a true and correct copy of an AMD email, dated October 12, 2001, and [REDACTED] meeting minutes attached thereto, produced by AMD in this action and bearing the Bates numbers AMD-F104-5100018-25.

35. Attached as **Exhibit 35** is a true and correct copy of an [REDACTED] meeting agenda produced by AMD in this action and bearing the Bates numbers AMD-F142-5100026-27.

36. Attached as **Exhibit 36** is a true and correct copy of Exhibit No. 5157 introduced at the Siegle Dep.

37. Attached as **Exhibit 37** is a true and correct copy of an AMD email chain produced by AMD in this action and bearing the Bates numbers AMD-F118-5100026.

38. Attached as **Exhibit 38** is a true and correct copy of an AMD email chain produced by AMD in this action and bearing the Bates numbers AMD-F078-00008783.

39. Attached as **Exhibit 39** is a true and correct copy of a transcript from AMD's First Quarter 2001 earnings call produced by AMD in this action and bearing the Bates numbers AMD-F096-5102299-316.

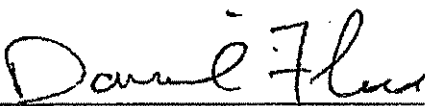
40. Attached as **Exhibit 40** is a true and correct copy of the relevant pages from AMD's Q2 2001 Form 10-Q, filed with the SEC on Aug. 10, 2001.

41. Attached as **Exhibit 41** is a true and correct copy of the relevant pages from AMD's Q3 2001 Form 10-Q, filed with the SEC on Nov. 14, 2001.

42. Attached as **Exhibit 42** is a true and correct copy of Exhibit No. 5245 introduced at the Ostrander Dep.

43. Attached as **Exhibit 43** is a true and correct copy of AMD's Application For Order Directing Intel To Produce Documents Pursuant To 28 U.S.C. § 1782 For Use In European Commission, Case No. Comp/C3-37,990 -- AMD/Intel, filed in Case No. 01-7033 MISC WA, United States District Court, Northern District of California

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on November 21, 2008, in Los Angeles, California.

  
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Daniel S. Floyd