

**Joanne Ceballos**

**From:** Adam Balick  
**Sent:** Thursday, December 04, 2008 6:01 PM  
**To:** 'jjf\_civil@ded.uscourts.gov'  
**Cc:** 'poppiti@blankrome.com'; 'oestreich@blankrome.com'; 'levan@blankrome.com'; 'david-c@blankrome.com'; 'Schneider-m@blankrome.com'; 'Dube@blankrome.com'; 'rhorwitz@potteranderson.com'; 'wdrane@potteranderson.com'; 'jlholzman@prickett.com'; 'jcathey@prickett.com'; 'cdiamond@omm.com'; 'lsmith@omm.com'; 'msamuels@omm.com'; 'bbarmann@omm.com'; 'jpearl@omm.com'; 'dherron@omm.com'; 'dfloyd@gibsondunn.com'; 'rcooper@gibsondunn.com'; 'rstone@gibsondunn.com'; 'dsmall@cmht.com'; 'Cottrell, Frederick'; 'Shandler, Chad'; 'Fineman, Steven'; 'Thomas R. Jackson'; 'Evan P Singer'; 'Christopher S Maynard'; 'mman@rkollp.com'; 'Barry, William'; 'RJones'; 'LMaguire'  
**Subject:** RE: In re Intel Corp. (C.A. Nos. 05-1717, 05-441 and 05-485)

Dear Judge Farnan:

In accordance with Your Honor's entry earlier today of the Order Modifying the Time for filing of objections to Special Master Poppiti's December 2, 2008 Report and Recommendation regarding jurisdiction over the Dell witness deposition dispute, Dell has just filed Objections to the Report and Recommendation (D.I. 1146 in C.A. No. 05-485, D.I.1023 in C.A. No. 05-441, and D.I. 1348 in MDL No. 05-1717). As I previously advised the Court in my December 3, 2008 letter, AMD does not intend to reply substantively to Dell's Objections other than to stand on its original filing before Special Master Poppiti (attached to my December 3rd letter to Your Honor) and to state that AMD agrees with Special Master Poppiti's analysis and conclusions. Accordingly, we request that the Court schedule a teleconference tomorrow morning so the parties can answer any questions Your Honor has about Dell's Objections. Alternatively, AMD requests that, after the Court has considered the December 2, 2008 Report and Recommendation and Dell's Objections thereto, the Court enter an Order adopting the Report and Recommendation in advance of the hearing currently set to take place in the Western District of Texas on Friday at 2:00 p.m. Central Time (3:00 p.m. Eastern Time). A revised form of Order (including the docket item numbers for Dell's Objections) is attached for the Court's convenience.

Respectfully,

Adam Balick  
(DE Bar # 2718)

**Adam Balick**

711 King St. | Wilmington DE 19801  
Main Tel. (302) 658-4265 | Main Fax. (302) 658-1682  
Email: [abalick@balick.com](mailto:abalick@balick.com) | Web: [www.balick.com](http://www.balick.com)

This communication will also be filed electronically via CM/ECF.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| IN RE:                             | : |                             |
|                                    | : |                             |
| INTEL CORP. MICROPROCESSOR         | : | MDL Docket No. 05-1717-JJF  |
| ANTITRUST LITIGATION               | : |                             |
| <hr/>                              |   |                             |
| ADVANCED MICRO DEVICES, INC. and   | : |                             |
| AMD INTERNATIONAL SALES &          | : |                             |
| SERVICE, LTD.,                     | : |                             |
|                                    | : |                             |
| Plaintiffs,                        | : |                             |
|                                    | : | Civil Action No. 05-441-JJF |
| v.                                 | : |                             |
|                                    | : |                             |
| INTEL CORPORATION and INTEL        | : |                             |
| KABUSHIKI KAISHA,                  | : |                             |
|                                    | : |                             |
| Defendants.                        | : |                             |
| <hr/>                              |   |                             |
| PHIL PAUL, on behalf of himself    | : |                             |
| and all others similarly situated, | : |                             |
|                                    | : | <b>CONSOLIDATED ACTION</b>  |
| Plaintiffs,                        | : |                             |
|                                    | : | Civil Action No. 05-485-JJF |
| v.                                 | : |                             |
|                                    | : |                             |
| INTEL CORPORATION,                 | : |                             |
|                                    | : |                             |
| Defendant.                         | : |                             |
| <hr/>                              |   |                             |

**ORDER**

WHEREAS, the Special Master issued a Report and Recommendation (DM 20) (D.I.1137 in C.A. No. 05-485, D.I. 1014 in C.A. No. 05-441, and D.I.1339 in MDL No. 05-1717) concerning the Threshold Jurisdictional Issue Raised by Current and Former Employees of Non-Party Dell, Inc.; and

WHEREAS, the Court entered an Order (D.I. 1141 in C.A. No. 05-485, D.I. 1018 in C.A. No. 05-441, and D.I. 1343 in MDL No. 05-1717) granting the Special Master's

Proposed Order modifying the time for parties to file objections to the Report and Recommendation; and

WHEREAS, Dell, Inc. filed Objections to the Report and Recommendation (D.I. 1146 in C.A. No. 05-485, D.I.1023 in C.A. No. 05-441, and D.I. 1348 in MDL No. 05-1717); and

WHEREAS, Advanced Micro Devices, Inc., filed a letter with the Court (D.I. 1139 in C.A. No. 05-485, D.I. 1016 in C.A. No. 05-441, and D.I. 1341 in MDL No. 05-1717) advising the Court that AMD does not intend to reply substantively to Dell's Objections other than to stand on its original filing before Special Master Poppiti and to state that AMD agrees with Special Master Poppiti's analysis and conclusions.

NOW, THEREFORE, the Court having considered the Report and Recommendation and Dell's Objections thereto, IT IS HEREBY ORDERED that the Special Master's Report and Recommendation (DM 20) (D.I. 1137 in C.A. No. 05-485, D.I. 1014 in C.A. No. 05-441, and D.I.1339 in MDL No. 05-1717) is **ADOPTED**.

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE