

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION,)	MDL No. 1717-JJF
ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICES, LTD., a Delaware corporation,)	
Plaintiffs,)	
v.)	C.A. No. 05-441-JJF
INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation,)	
Defendants.)	
PHIL PAUL, on behalf of himself and all others similarly situated,)	C.A. No. 05-485-JJF
Plaintiffs,)	CONSOLIDATED ACTION
v.)	REDACTED PUBLIC VERSION
INTEL CORPORATION,)	
Defendants.)	

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF
18 MARCH 1970 ON THE TAKING OF EVIDENCE
IN CIVIL OR COMMERCIAL MATTERS**

The United States District Court, District of Delaware
J. Caleb Boggs Federal Building
844 N. King Street, Wilmington, Delaware 19801, U.S.A.

to

Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Bureau de l'entraide civile et commerciale internationale (D3)
13, Place Vendôme

In conformity with Article 3 of the Convention, the undersigned applicant has the honor to submit the following request:

The United States District Court for the District of Delaware presents its compliments to the competent judicial authority in France, and requests its assistance in the following matter:

1. The parties to a certain civil action pending in the United States District Court for the District of Delaware are as follows:

(a) The plaintiffs (petitioners) are:

Advanced Micro Devices, Inc., a Delaware corporation, and
AMD International Sales & Service, Ltd., a Delaware corporation
One AMD Place
Sunnyvale, California 94088-3453
U.S.A.

(Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. are collectively referred to here as "AMD.")

Represented by:

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(b) The defendants (respondents) are

Intel Corporation, a Delaware corporation

2200 Mission College Blvd
Santa Clara, California 95054
U.S.A.

Intel Kabushiki Kaisha, a Japanese corporation,

P. O. Box 115
Tokodai, Tsukuba
300-2635 Ibaraki
Japan

(Intel Corporation and Intel Kabushiki Kaisha are collectively referred to here as "Intel.")

Represented by:

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2. AMD alleges that Intel has engaged in anticompetitive conduct throughout the world. AMD alleges that such anticompetitive conduct includes:

- forcing major customers into exclusive or near-exclusive deals;
- conditioning rebates, allowances and market development funding on customers' agreement to severely limit or forego entirely purchases from AMD;
- establishing discriminatory rebates triggered by purchases at such high levels as to have the practical and intended effect of denying customers the freedom to purchase any significant volume of products from AMD;
- threatening retaliation against customers introducing AMD's computer platforms, particularly in strategic market segments;
- establishing and enforcing quotas among key retailers effectively requiring them to stock overwhelmingly, if not exclusively, Intel-powered computers, thereby artificially limiting consumer choice;
- forcing PC makers and technology partners to boycott AMD's product launches and promotions; and
- abusing its market power by forcing on the industry technical standards and products which have as their central purpose the handicapping of AMD in the marketplace.

3. On July 26, 2007, the European Commission sent a Statement of Objections to Intel, charging that Intel had infringed rules under Article 82 of the EC Treaty prohibiting abuse of a dominant market position. Specifically, the Statement of Objections charged that, in its dealings with multiple original equipment manufacturers ("OEMs"), Intel had engaged in an anti-competitive strategy designed to exclude AMD from the x86 CPU market. The issuance of this Statement of Objections was announced in a press release dated July 27, 2007. ("Competition: Commission confirms sending of Statement of Objections to Intel," July 27, 2007, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/314&format=HTML&aged=1&language=EN&guiLanguage=en>.)

Intel has produced a copy of the Statement of Objections to AMD in this civil action.

REDACTED

AMD in good faith believes that NEC SAS, as the successor to NECCI, has possession of the factual submissions and other documents that NECCI provided to the European Commission and that NEC SAS can readily identify and produce them to AMD in this case without great effort. All factual submissions and other documents that NEC SAS produces will be kept confidential, and, by order of the undersigned, used solely in connection with this civil action. Counsel for AMD is willing to reimburse the authority in France for costs incurred in executing this request.

4. Accordingly, the undersigned hereby requests that, in the interest of justice, you cause, by your usual and proper process, such orders to be entered as French law permits directing that the documents described in Schedule A attached hereto be produced by NEC SAS for inspection and copying by counsel for plaintiff AMD at a time and place to be determined by you.

This Court expresses its appreciation of the competent authority in France for its courtesy and assistance in this matter and states that it shall be ready and willing to assist the courts of France in a similar manner when required.

The United States District Court

Dated: _____, 2009

Wilmington, DE

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by electronic mail to the following:

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I hereby certify that on February 9, 2009, I have sent by electronic mail the foregoing document to the following non-registered participants:

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