

EXHIBIT A

Chad M. Shandler
Director
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February 9, 2009

**BY HAND DELIVERY AND
ELECTRONIC FILING**

The Honorable Vincent J. Poppiti
Special Master
Bank Rome LLP
Chase Manhattan Centre, Suite 800
1201 North Market Street
Wilmington, Delaware 19801-4226

REDACTED PUBLIC
VERSION

Re: ***Advanced Micro Devices, Inc., et nl. v. Intel Corporation, et al.,
C.A. 05-441-JJF; C.A. 05-485-JJF; MDL No. 05-1717-JJF
Request for Issuance of Letters Rogatory***

Dear Judge Poppiti:

I. Introduction.

By this application, AMD requests that the Special Master recommend, on an expedited basis, that the District Court issue letters rogatory directed to the appropriate judicial authorities in France and Italy, respectively, requesting the production of certain documents in the possession of two European corporations, NEC Computers SAS ("NEC SAS") and Acer Italy Srl ("Acer"). The documents are essential to a fair resolution of this case, and NEC SAS and Acer can readily identify and produce them with minimal burden.

II. Factual Background.

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. See "Competition: Commission confirms sending of Statement of Objections to Intel.." dated July 27, 2007, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/314&format=HTML&aged=1&language=EN&guiLanguage=en> (attached hereto as Exhibit A). The Statement of

Objections charged that Intel had engaged in anti-competitive conduct intended to exclude AMD from the x86 CPU market. See *id.*¹

REDACTED

III. The Documents That AMD Seeks Are Highly Relevant.

REDACTED

¹ On July 17, 2008, the European Commission sent a Supplementary Statement of Objections charging that Intel had engaged in additional abuses aimed at excluding AMD from the x86 market. See "Antitrust: Commission confirms supplementary Statement of Objections sent to Intel," dated July 17, 2008, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/517&format=HTML&aged=0&language=EN&guiLanguage=en> (attached hereto as Exhibit B).

² AMD believes that NEC SAS is the corporate successor of NECCI.

³ AMD will provide the Court with copies of the pages from the Statement of Objections that reflect the content of the NECCI and Acer factual submissions for its *in camera* inspection.

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The items that AMD seeks represent a discrete universe of documents, and producing them in this case should impose only a minimal burden on NEC SAS and Acer.

IV. The Special Master Should Recommend That the District Court Issue Letters Rogatory Requesting the Assistance Of the Appropriate Authorities In Obtaining The Requested Factual Submissions And Other Documents.

The Special Master should recommend that the District Court issue letters rogatory to the French Ministry of Justice (the "French Ministry") and the Italian Ministry of Foreign Affairs (the "Italian Ministry") requesting that the French Ministry and the Italian Ministry, respectively, direct NEC SAS and Acer each to produce the documents listed on Schedule A to the [Proposed] Letters Rogatory lodged concurrently herewith (the "Requested Documents"). NEC SAS is, upon information and belief, a French business with the address Immeuble Optima, 10 Rue Godefroy, 92821 Puteaux Cedex, France. Acer is, upon information and belief, an Italian business with the address Via Lepetit, 4020020 Lainate (MI), Italy.

A letter rogatory invokes the assistance of foreign central authorities in compelling production of documents pursuant to the Hague Convention on the **Taking** of Evidence Abroad in Civil or Commercial Matters, *concluded* March 18, 1970 (the "Hague Evidence Convention"). Article 1 of the Hague Evidence Convention permits a U.S. court to issue a letter rogatory to obtain the assistance of French and Italian authorities in obtaining evidence located in France and Italy. Hague Evidence Convention, art. 1. The Federal Rules of Civil Procedure authorize the Court to issue a "letter of request, whether or not captioned a 'letter rogatory' on appropriate terms after an application and notice of it." Fed. R. Civ. P. 28(b). *See also* 28 U.S.C. § 1781 (providing that the Department of State has the power to transmit a letter rogatory or request directly from a tribunal in the United States to a foreign tribunal or agency to whom it is addressed).

The Honorable Vincent J. Poppiti
February 9, 2009
Page 4

For the reasons stated, AMD respectfully requests that the Special Master recommend that the District Court issue letters rogatory to the French Ministry and Italian Ministry so that AMD may obtain the Requested Documents from NEC SAS and Acer.

Respectfully,

/s/ Chad M. Shandler

Chad M. Shandler (#3796)
shandler@rlf.com

CMS/afg

cc: Clerk of the Court
Richard L. Horwitz, Esquire

EXHIBIT A

Brussels, 27 July 2007

Competition: Commission confirms sending of Statement of Objections to Intel

The European Commission can confirm that it has sent a Statement of Objections (SO) to Intel on 26th July 2007. The SO outlines the Commission's preliminary view that Intel has infringed the EC Treaty rules on abuse of a dominant position (Article 82) with the aim of excluding its main rival, AMD, from the x86 Computer Processing Units (CPU) market.

In the SO, the Commission outlines its preliminary conclusion that Intel has engaged in three types of abuse of a dominant market position. First, Intel has provided substantial rebates to various Original Equipment Manufacturers (OEMs) conditional on them obtaining all or the great majority of their CPU requirements from Intel. Secondly, in a number of instances, Intel made payments in order to induce an OEM to either delay or cancel the launch of a product line incorporating an AMD-based CPU. Thirdly, in the context of bids against AMD-based products for strategic customers in the server segment of the market, Intel has offered CPUs on average below cost.

These three types of conduct are aimed at excluding AMD, Intel's main rival, from the market. Each of them is provisionally considered to constitute an abuse of a dominant position in its own right. However, the Commission also considers at this stage of its analysis that the three types of conduct reinforce each other and are part of a single overall anti-competitive strategy.

Intel has 10 weeks to reply to the SO, and will then have the right to be heard in an Oral Hearing. If the preliminary views expressed in the SO are confirmed, the Commission may require Intel to cease the abuse and may impose a fine.

Background

A Statement of Objections is a formal step in Commission antitrust investigations in which the Commission informs the parties concerned in writing of the objections raised against them. The addressee of a Statement of Objections can reply in writing to the Statement of Objections, setting out all facts known to it which are relevant to its defence against the objections raised by the Commission. The party may also request an oral hearing to present its comments on the case.

The Commission may then take a decision on whether conduct addressed in the Statement of Objections is compatible or not with the EC Treaty's antitrust rules. Sending a Statement of Objections does not prejudice the final outcome of the procedure.

EXHIBIT B

Brussels, 17th July 2008

Antitrust: Commission confirms supplementary Statement of Objections sent to Intel

The European Commission can confirm that it has sent a supplementary Statement of Objections (SSO) to Intel on 17th July. The SSO reinforces the Commission's preliminary view outlined in a Statement of Objections of 26 July 2007 (see [MEMO/07/314](#)) that Intel has infringed EC Treaty rules on abuse of a dominant position (Article 82) with the aim of excluding its main rival, AMD, from the x86 Central Processing Units (CPU) market.

In the SSO, the Commission outlines its preliminary conclusion that Intel has engaged in three additional elements of abusive conduct. First, Intel has provided substantial rebates to a leading European personal computer (PC) retailer conditional on it selling only Intel-based PCs. Secondly, Intel made payments in order to induce a leading Original Equipment Manufacturer (OEM) to delay the planned launch of a product line incorporating an AMD-based CPU. Thirdly, in a subsequent period, Intel has provided substantial rebates to that same OEM conditional on it obtaining all of its laptop CPU requirements from Intel. In addition, the Commission has included in the SSO additional factual elements relating to a number of the objections outlined in the 26 July 2007 Statement of Objections.

Each of the conducts outlined in the 26 July 2007 Statement of Objections and the SSO is provisionally considered to constitute an abuse of a dominant position in its own right. However, the Commission also considers at this stage of its analysis that all the types of conduct reinforce each other and are part of a single overall anti-competitive strategy aimed at excluding AMD or limiting its access to the market.

Intel has eight weeks to reply to the SSO, and will then have the right to be heard in an Oral Hearing. If the Commission's preliminary views expressed in the SSO are confirmed, the Commission may decide to require Intel to cease the abuse and may impose a fine.

Background

A Statement of Objections is a formal step in Commission antitrust investigations in which the Commission informs the parties concerned in writing of the objections raised against them. The addressee of a Statement of Objections can reply in writing to the Statement of Objections, setting out all facts known to it which are relevant to its defence against the objections raised by the Commission. The party may also request an oral hearing to present its comments on the case.

The Commission may then take a decision on whether conduct addressed in the Statement of Objections is compatible or not with the EC Treaty's antitrust rules. Sending a Statement of Objections does not prejudice the final outcome of the procedure.

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,

Plaintiffs,

v.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

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,TJ.S.A.

to

Ministère de la Justice
Direction des Affaires Civiles et du Sceau
Bureau de l'entraide civile et commerciale internationale (D.3)
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:

Frederick L. Cottrell, III
Chad M Shandler
Richards, Layton & Finger, P.A
One Rodney Square
P.O Box 551
Wilmington, Delaware 10999
U S A .

Of counsel:

Charles P. Diamond
Linda J. Smith
O'Melveny & Myers LLP
1999 Avenue of the Stars, 7th Floor
Los Angeles, California 90067

Mark A. Samuels
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, California 90071
U.S.A.

(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:

Richard L. Horwitz
W. Harding Drane, Jr.
Hercules Plaza, 6th Floor
1313 North Market Street
P.O. Box 951
Wilmington, Delaware 19899-0951
U.S.A.

Of counsel:

Robert E. Cooper
Daniel S. Floyd
Gibson, Dunn & Crutcher LLP
3.33 South Grand Avenue
Los Angeles, California 90071
U.S.A.

Joseph Jattan, PC
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W
Washington, D. C. 20036
U.S.A.

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:

Richard L. Horwitz, Esquire
Potter, Anderson & Corroon, LLP
1313 North Market Street
P. O. Box 951
Wilmington, DE 19899

James L. Holzman, Esquire
Prickett, Jones & Elliott, P.A.
1310 King Street
P.O. Box 1328
Wilmington, DE 19899-1328

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

Darren B. Bernhard, Esquire
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2402

Robert E. Cooper, Esquire
Daniel S. Floyd, Esquire
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071-3197

Daniel A. Small, Esquire
Cohen Milstein, Hausfeld
& Toll, L.L.C.
1100 New York Avenue, N.W.
Suite 500 - West Tower
Washington, DC 20005

/s/ Chad M. Shandler
Chad M. Shandler (#3796)
shandler@rlf.com

SCHEDULE A TO LETTER ROGATORY

DEFINITIONS

The following definitions shall apply to the requests below:

1. The "Commission" refers to the European Commission,
2. The "Statement of Objections" refers to the Statement of Objections sent by the Commission to Intel on July 26, 2007.
3. "Intel" refers to Defendants Intel Corporation and Intel Kabushiki Kaisha, which are organized in Delaware and Japan, respectively.
4. "NECCI" refers NEC Computer International.

REDACTED

REDACTED

REDACTED

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

to

Ministry Of Foreign Affairs
D.G.I.E.P.M. Office IV
Piazzale della Farnesina, 1
00194 ROMA, Italy.

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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;
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AMD in good faith believes that Acer retains possession of the factual submissions and other documents that Acer provided to the European Commission and that Acer can readily identify and produce them to AMD in this action without great effort. All factual submissions and other documents that Acer 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 Italy for costs incurred in executing this

request.

4. Accordingly, it is hereby requested that, in the interest of justice, you cause by your usual and proper process, such orders to be entered as Italian law permits directing that the documents described in Schedule A attached hereto be produced by Acer for inspection and copying by counsel for petitioner at a time and place to be determined by you.

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

The United States District Court

Dated: _____, 2009

Wilmington, DE

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/s/ Chad M. Shandler
Chad M. Shandler (#3796)
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4. "Acer" refers to Acer Italy Srl.

REQUESTS FOR PRODUCTION

REDACTED

REDACTED