

Chad M. Shandler
Director
302-651-7836
Shandler@rlf.com

July 14, 2009

VIA ELECTRONIC FILING AND HAND DELIVERY

The Honorable Vincent J. Poppiti
Special Master
Fox Rothschild LLP
Citizens Bank Center
919 North Market Street, Suite 1300
Wilmington, DE 19899-2323

Re: *Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al.*, C.A. No. 05-441-JJF; *In re Intel Corporation*, C.A. No. 05-MD-1717-JJF;
DM 26 and 27

Dear Judge Poppiti:

As Your Honor knows, the parties are awaiting the response of the European Commission ("EC") to your letter of March 30, 2009, requesting the EC's views on the discovery and use of the EC's Statement of Objections ("SO") to Intel. Since that letter was submitted, however, the EC issued its Final Decision in the matter, dated May 13, 2009. While the SO clearly includes evidence and findings relevant to AMD's claims, the Final Decision is undoubtedly at least as relevant, if not more so, to the issues being disputed in this case.

Accordingly, AMD intends to move, at an appropriate time, to compel Intel to produce the Final Decision to AMD. We recognize, however, that Your Honor's consideration of such a motion might well be affected by the EC's response to the letter concerning the SO, depending on the substance of that response. Rather than move at this time to compel production of the Final Decision, if acceptable to Your Honor, AMD intends to await the EC's response to the SO letter. If AMD considers a motion to compel production of the Final Decision appropriate in light of that response, AMD will file a motion at that time.

We are submitting this letter to obtain Your Honor's guidance in proceeding on this issue. We want to avoid disrupting the EC's process for responding to Your Honor's letter, while at the same time ensuring that this related dispute can be resolved expeditiously and with an adequate understanding of the EC's policy views.

The main complication is the impending deadline for the preparation of AMD's expert reports (next Monday), which undoubtedly will arrive before we have a decision on DM 26/27 or

■ ■ ■

July 14, 2009

Page 2

even the EC's response to Your Honor's letter. We have proposed to Intel, but it has rejected, a procedure whereby either party could amend its reports to take into account the EC SO and Decision should discovery of them be permitted. This would have deferred proceedings on the discovery question until we have an EC response.

In light of Intel's position, however, we need the Court's guidance. Either the discoverability of the EC's SO and Decision can be addressed now without the benefit of an EC response, or we can defer the issue a while longer, so long as the delay does not prejudice either party's right to discover and use those findings as appropriate. AMD is willing to take either course.

Respectfully submitted,

/s/ Chad M. Shandler

Chad M. Shandler (#3796)

CS/ps

cc: Clerk of the Court (via electronic filing)
Richard L. Horwitz, Esquire (via electronic mail)
James L. Holzman, Esquire (via electronic mail)