

July 15, 2009

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BY ELECTRONIC MAIL AND HAND DELIVERY

The Honorable Vincent J. Poppiti
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***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;
Phil Paul v. Intel Corporation, C.A. No.: 05-485-JJF***

Dear Judge Poppiti:

AMD seeks an order requiring Intel to sequester the attorneys who will be involved in the two late July/early August Hewlett-Packard ("HP") depositions noticed by Intel from AMD's expert reports until after the depositions of those two HP executives have been taken, or to forego taking those HP depositions at all.

Fact discovery in the above-referenced case ended on June 12, 2009. Pursuant to a joint motion filed by AMD and Intel on June 10, however, the Court authorized the parties to conduct the depositions of four HP witnesses after the fact discovery cutoff date. The Order directed that these depositions be taken as "expeditiously as reasonably possible." AMD has completed the deposition of the only available HP deponent of the two it sought leave to depose (the second is undergoing medical treatment for a serious illness). Intel has yet to depose either of the two it sought to push beyond the discovery cut-off, Ted Clark and Scott Stallard, who respectively are responsible for HP's notebook and server products. It now appears that these depositions will not take place until the last week of July and the first week of August.

According to the scheduling order governing this case, AMD must serve its expert reports by July 20, 2009. At least two of AMD's expert reports address and detail AMD's evidence that Intel unlawfully restrained competition for HP's business in both the notebook and server segments. If available to the lawyers taking the Clark and Stallard depositions, the reports will give Intel a virtual roadmap of how to go about developing testimony to contradict AMD's experts. This is an advantage that AMD will not enjoy and that Intel should not be given.

Moreover, pushing fact discovery beyond AMD's expert report deadline places AMD's experts in the untenable position of potentially being ambushed by evidence that was not available to them at the time they formed their conclusions. At a minimum, AMD's experts should have a brief period of time (we propose seven days) to revise their conclusions (without the risk of comment by Intel) once the depositions conclude.

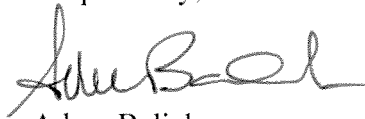
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Intel has rejected both of these proposals and instead offered to push back expert report deadlines for two weeks or however long it takes them to conclude the Clark and Stallard depositions. Because of circumstances affecting both parties, we have already pushed out the schedule twice. AMD is not interested in doing so again, particularly since this delay is singularly attributable to Intel's tardiness. AMD submits that the only fair resolution is to place very minor restrictions on the few Intel lawyers involved in the depositions and to permit very minor mid-course corrections to two of AMD's reports if that proves necessary or, alternatively, to draw the curtain on the Clark and Stallard depositions.

Respectfully,



Adam Balick
(Bar #2718)

AB/kl

Enclosure

cc: Clerk of the Court
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