

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES, INC., :
a Delaware corporation, and :
AMD INTERNATIONAL SALES & :
SERVICE, LTD., a Delaware :
corporation, :
Plaintiffs, : Civil Action
: No. 05-441-JJF

vs.

INTEL CORPORATION, a Delaware :
corporation, and INTEL :
KABUSHIKI KAISHA, a Japanese :
corporation, :
Defendants. : MDL NO. 05-1717-JJF

IN RE INTEL CORPORATION :
MICROPROCESSOR ANTITRUST :
LITIGATION :
PHIL PAUL, on behalf of :
himself and all other :
similarly situated, :
Plaintiffs, : Civil Action
: No. 05-485-JJF

vs.

INTEL CORPORATION, :
Defendant. :

A status conference was taken
before The Honorable Vincent J. Poppiti on Tuesday,
May 15, 2007, beginning at approximately 3:00 p.m.

Gail Inghram Verbano, CSR, RMR, CLR
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1 Attorneys for the Class Plaintiff:

2 Clayton Athey, Esq.
PRICKETT JONES & ELLIOTT

3 Daniel Small, Esq.
4 COHEN, MILSTEIN, HAUSFELD & TOLL

5 Richard Bolan, Esq.
FINKELSTEIN, THOMPSON, LLP

6 Attorneys for AMD:

7 Frederick L. Cottrell, III, Esq.
8 Chad Shandler, Esq.
RICHARDS LAYTON & FINGER

9 Linda Smith, Esq.
10 O'MELVENY & MYERS

11 Attorneys for Fry's Electronics:

12 Mary B. Graham, Esq.
13 Robert Stone, Esq.
MORRIS, NICHOLS, ARSHT & TUNNELL

14 Attorneys for Intel:

15 Richard L. Horwitz, Esq.
POTTER ANDERSON & CORROON LLP

16 Richard Ripley, Esq.
17 BINGHAM, McCUTCHEN

18 ALSO PRESENT:

19 Christopher Merrick

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JUDGE POPPITI: Okay. We had this

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call scheduled from the last time that we had a

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telecon. And I expect -- not having seen, at least I

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hope I'm not to have seen -- any documents in advance

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of the call, that the call is meant to be primarily

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status. Is that accurate?

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MR. SMALL: Yes, your Honor. This

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is Dan Small for the class plaintiffs. This is to

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report on the meeting that Fry's and class counsel on

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which AMD had yesterday to -- for class plaintiffs

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and AMD to get a better understanding of what data

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Fry's had that would be responsive to our subpoenas.

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And I can report on that, if your Honor would like.

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JUDGE POPPITI: And have you had

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some discussions with opposing counsel with respect

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to your report?

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MR. SMALL: Yes.

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JUDGE POPPITI: Good.

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MR. SMALL: We actually spoke

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earlier today, and I think we have an understanding

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as to how we will report to the Court.

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JUDGE POPPITI: Great. Then I'd

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like to hear that very much. Thank you.

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1 MR. SMALL: We met, as the Court
2 had ordered, yesterday with Fry's. We actually did
3 it by phone with counsel for Fry's, with an IT person
4 for Fry's, and then counsel for class plaintiffs and
5 AMD.

6 It was a very full conversation, a
7 good-faith conversation, and a productive one.

8 JUDGE POPPITI: Good.

9 MR. SMALL: We believe that we have
10 a much better understanding of the responsive
11 transactional and other data that Fry's keeps, and so
12 we're much further along the learning curve than we
13 were before the call.

14 JUDGE POPPITI: Good.

15 MR. SMALL: We also took the
16 opportunity to discuss a possible resolution of the
17 underlying dispute with Fry's, and we made very
18 substantial headway in that regard as well.

19 JUDGE POPPITI: Okay. Good.

20 MR. SMALL: We're not there yet.
21 There still is a substantive dispute and maybe some
22 more minor issues that we have to work through as
23 well, but I do have some reason to be optimistic.

24 But we believe that the more

1 substantive issue that still separates us is a very
2 important one, I think, from both sides. And we
3 would like the opportunity, your Honor, with your
4 permission, to take a couple more days to try and
5 work through this and, if your calendar would permit,
6 to report back to you on Friday with hopefully either
7 final resolution, if we're able to work out the
8 dispute, or at least with a clear statement of where
9 we're at.

10 So that would be our proposal, your
11 Honor.

12 JUDGE POPPITI: Okay. May I hear
13 Fry's position, please.

14 MR. STONE: We agree with the
15 proposal that counsel for the class has just made.
16 We too believe that the discussions were fruitful,
17 and we also remain optimistic that we can reach some
18 resolution.

19 JUDGE POPPITI: Great. Well, then
20 let's do this. I think in terms of Friday, are we
21 looking to convene a teleconference, or will you
22 report to me in some other fashion?

23 MR. SMALL: Your Honor, I think it
24 would be a good idea to reserve time for the

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1 telephone conference. If it turns out that we work
2 out a deal with Fry's, then probably we could just
3 report that in some other method that would be more
4 efficient for your Honor. But if we have the time
5 set up, then if we haven't worked things out, at
6 least we have that available.

7 MR. STONE: And that's acceptable
8 to Fry's.

9 JUDGE POPPITI: Okay. If you will
10 all give me just a moment, I neglected to bring my
11 calendar into the conference room, so just give me a
12 moment. I think I can get it quickly.

13 MR. STONE: Sure.

14 JUDGE POPPITI: Thank you. I'm
15 going to put you on hold.

16 (Brief recess.)

17 JUDGE POPPITI: Counsel, thank you
18 for your patience.

19 On Friday, any time other than
20 between 11:00 and about 1:30. So we can do it either
21 before or, accommodating our friends on the West
22 Coast, we can do it later.

23 MR. SMALL: Your Honor, would it be
24 possible to do it about 4:30?

1 JUDGE POPPITI: 4:30, yep.

2 MR. STONE: That would be a good
3 time for me, your Honor.

4 JUDGE POPPITI: Does that --
5 everyone else is more or less observing with a great
6 deal of interest, so I would expect or hope that 4:30
7 works for everyone.

8 And I wouldn't anticipate that
9 we're looking at more than -- what? -- a half hour or
10 45 minutes, if that?

11 MR. SMALL: I think that's correct,
12 your Honor.

13 MR. STONE: Fry's agrees.

14 JUDGE POPPITI: Then let's reserve
15 4:30 on Friday.

16 I sincerely appreciate the work
17 that was accomplished yesterday and hope that you can
18 move forward and obviate virtually everything by
19 Friday. If not, we'll attend to it.

20 MR. COTTRELL: Your Honor, it's
21 Fred Cottrell. If we are finished on this issue, I
22 have one very minor issue, if I could bring it up.

23 JUDGE POPPITI: Please.

24 MR. COTTRELL: Assuming we're done.

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1 I didn't mean to interrupt Mary, or were we done on
2 that issue?

3 MS. GRAHAM: I think so.

4 MR. COTTRELL: Your Honor, this
5 issue is, I saw some correspondence about the
6 transcripts being lodged, and at least one was
7 partially redacted, and that's fine.

8 It's an issue that Mr. Shandler
9 agrees with Mr. Horwitz about making sure that the
10 parties, within five days after a confidential
11 filing, make a public redaction and file it with the
12 Court.

13 And I think we had pointed out
14 that, Rich, the remediation plan of Intel -- that it
15 was at least in part filed under seal and no public
16 version has been filed.

17 It's nothing pressing for today,
18 but I just thought we could, going forward, have
19 everyone comply with that five-day rule.

20 JUDGE POPPITI: You know, I think
21 it makes sense. And perhaps it would make sense even
22 to memorialize that, if you all agree that that's
23 wise to do that by stipulation.

24 MR. HORWITZ: Your Honor, this is

1 Rich Horwitz, if I could just respond.

2 We are looking into the request
3 from AMD. But I would say that technically I think
4 we are in compliance, because there is a public
5 version of the report that's available. The exhibits
6 are redacted, and I think everybody on this call
7 knows that that's traditionally the way that it is
8 done --

9 JUDGE POPPITI: Right.

10 MR. HORWITZ: -- in this court.

11 We are looking at the issue of
12 further redactions of the exhibits, which is unusual
13 and not the typical way it's done in this court. And
14 we will get back to AMD when we can on that issue.

15 I think the rules are what the
16 rules are, and I don't think we need to reiterate
17 them in a stipulation. But if your Honor feels
18 differently --

19 JUDGE POPPITI: Well, no, I guess
20 my concern was if there was an expectation that we
21 were going to be doing something more significant
22 than the rule contemplates.

23 MR. COTTRELL: Your Honor, my point
24 was, I think a few of the exhibits, anyway, were

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1 completely redacted and we just had assumed that
2 public versions of those exhibits would be filed, and
3 that was the point. It wasn't that there wasn't
4 something on file: There is.

5 But it was this sort of wholesale
6 redaction of the entirety of certain of the exhibits,
7 and we just assumed within five days we would see a
8 public version of those.

9 MR. HORWITZ: And my only point, to
10 reiterate, your Honor, is that is typical. That is
11 not atypical at all, and we are looking into doing
12 more than what is typical in this Court.

13 JUDGE POPPITI: Okay. Then let's
14 leave full discussion for another day. Should we
15 agenda it for a regular Thursday status?

16 MR. COTTRELL: That would be fine
17 with AMD, your Honor.

18 JUDGE POPPITI: Why don't we put it
19 on for the next -- I expect that would be -- is it
20 next week?

21 MR. HORWITZ: I don't know that
22 anything else has been discussed as being on. But I
23 think it's this week, not next week.

24 JUDGE POPPITI: It is this week?

1 MR. COTTRELL: I believe that's
2 right, your Honor.

3 JUDGE POPPITI: Well, if you don't
4 have anything else on and this week is too soon, then
5 I'm happy to let it be agenda'd for the next time we
6 are scheduled for status.

7 MR. HORWITZ: We will talk --

8 JUDGE POPPITI: And then let me
9 know.

10 MR. HORWITZ: -- and let you know
11 by sometime tomorrow --

12 JUDGE POPPITI: That's fine.

13 MR. HORWITZ: -- about an overall
14 schedule for Thursday.

15 JUDGE POPPITI: All right. That's
16 fine.

17 Any other matters then, please?

18 All right. Thank you all very
19 much.

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