

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO)	
DEVICES, INC., a)	
Delaware)	
corporation, and AMD)	Civil Action No.
INTERNATIONAL SALES)	05-441- JJF
& SERVICE, LTD., a)	
Delaware)	
corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
INTEL CORPORATION, a)	
Delaware)	
corporation, and)	
INTEL KABUSHIKI)	
KAISHA, a Japancese)	
corporation,)	
Defendants.)	

IN RE:)	
INTEL CORP.)	
MICROPROCESSOR)	
ANTITRUST LITIGATION)	Civil Action No.
PHIL PAUL, on behalf)	05-MD-1717-JJF
of himself and all)	
others similarly)	Civil Action
situated,)	No. 05-485-JJF
)	
Plaintiffs,)	CONSOLIDATED ACTION
)	
v.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	

Reporter: ELLEN CORBETT HANNUM, RMR, CMRS, CLR

Teleconference

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7 A teleconference was taken pursuant to notice
before Ellen Corbett Hannum, Registered Merit Reporter,
8 in the law offices of Blank Rome, LLP, 1201 N. Market
Street, Suite 800, Wilmington, Delaware, on Tuesday,
9 March 6, 2007, beginning at approximately 5:05 p.m.,
there being present:

10 BEFORE: HONORABLE VINCENT J. POPPITI, JR.

11 APPEARANCES:

12 RICHARDS, LAYTON & FINGER, P.A.
13 BY: FREDERICK L. COTTRELL, III,
ESQ.

14 CHAD M. SHANDLER, ESQ.
and

15 O'MELVENY AND MYERS
BY: MARK SAMUELS, ESQ.
DAVID HERRON, ESQ.
16 JEFFREY FOWLER, ESQ.
(Los Angeles, California)
17 CHUCK DIAMOND, ESQ.
(Wilmington, Delaware)

18 Attorneys for Advanced Micro
19 Devices, Inc. and AMD International
Sales & Service, Ltd.

20
21 POTTER ANDERSON & CORROON
BY: RICHARD L. HORWITZ, ESQ.
22 and

23 HOWREY LLP
BY: DARREN B. BERNARD, ESQ.
PETER E. MOLL, ESQ.
24 (Washington, D.C.)

1 and
BRINGHAM McCUTCHEN LLP
2 BY: RICHARD A. RIPLEY, ESQ.

3 Attorneys for Intel Corporation
and Intel Kabushiki Kaisha
4
PRICKETT, JONES & ELLIOTT, P.A.
5 BY: JAMES L. HOLZMAN, ESQ.

6 Interim Liaison Counsel and
Attorneys for Phil Paul, on behalf
7 of himself and all others similarly
situated

8 COHEN, MILSTEIN, HAUSFELD & TOLL,
9 P.L.L.C.
BY: DANIEL A. SMALL, ESQ.
10 (Washington, D.C.)
BY: BRENT W. LANDAU, ESQ.
11 (Philadelphia, Pennsylvania)

12 Attorneys for the Class
Plaintiffs

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THE SPECIAL MASTER: Please.

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MR. COTTRELL: In Wilmington for AMD

19

Fred Cottrell and Chad Chandler.

20

THE SPECIAL MASTER: Thank you.

21

MR. SAMUELS: For AMD in Los Angeles,

22

Mark Samuels, David Herron and Jeff Fowler of O'Melveny

23

and Myers.

24

THE SPECIAL MASTER: Thank you.

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1 MR. DIAMOND: Also in Wilmington, Chuck
2 Diamond of O'Melveny and Myer.

3 THE SPECIAL MASTER: Thank you.

4 MR. HOLZMAN: For the class, Your Honor,
5 Jim Holzman, Prickett Jones, in Wilmington.

6 MR. SMALL: For the class plaintiffs,
7 Dan Small, in Washington, D.C.

8 MR. LANDAU: And for the class, Brent
9 Landau from Cohen, Milstein in Philadelphia.

10 MR. HORWITZ: This is Rich Horwitz from
11 Potter Anderson for Intel, and with me here from Howrey
12 in D.C., Peter Moll and Darren Bernhard, also Rick Ripley
13 from Bringham McCutchen.

14 THE SPECIAL MASTER: Thank you very
15 much.

16 MR. HORWITZ: Co-counsel were going to
17 be on the call but because of a plane being forced down
18 for security reasons, they are now I understand back on
19 route after being grounded in Las Vegas.

20 THE SPECIAL MASTER: And I did not hear
21 who was on that airplane, Mr. Horwitz.

22 MR. HORWITZ: That's co-counsel from
23 Gibson Dunn.

24 THE SPECIAL MASTER: Okay. Thank you.

1 Give me one moment, please. I went from
2 one room to another and I neglected to bring in a
3 document. Just one sec, please.

4 (Discussion off the record.)

5 THE SPECIAL MASTER: Counsel, I'm back
6 on again.

7 And if you would, Counsel, for the class
8 from Milstein Cohen in Philly, your name again, sir.

9 MR. LANDAU: Brent Landau.

10 THE SPECIAL MASTER: Thank you,
11 Mr. Landau.

12 Okay. Earlier today, and off the record
13 I made contact with local counsel to explain to them why
14 I thought it may be helpful to have a brief
15 teleconference with me in advance of the status
16 conference with the Court tomorrow in light of the
17 information that you have both discussed in your
18 respective submittals to the Court dealing with, I will
19 put it under the umbrella preservation issues.

20 And I thought it was important for,
21 perhaps for one reason only, I wanted to make sure that
22 as we all go into that status conference tomorrow there
23 was, that Judge Farnan will understand that we have had
24 contact.

Teleconference

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1 Someone just joined.

2 MR. DIAMOND: Yes, Your Honor, Chuck
3 Diamond on the landline and with me is Beth Osman of AMD.

4 THE SPECIAL MASTER: Thank you.

5 I wanted to make sure that Judge Farnan
6 understood that we have had at least some contact with
7 each other since the last status conference, No. 1; and
8 No. 2, we have at least discussed the parameters of my
9 involvement in terms of my time involvement, if you will,
10 so that we will have had an opportunity for me to hear
11 your respective proposals in terms of the time frame that
12 everyone may need to put their arms around the issues as
13 they have been identified; permit me to suggest to the
14 Court that within that time frame I do have availability
15 so that in turn Judge Farnan can be in a position to set
16 some deadlines without starting from, you know, literally
17 from scratch at tomorrow's status conference.

18 And I think local counsel agreed that
19 that may be helpful to do that in anticipation of what
20 Judge Farnan would expect from us tomorrow.

21 MR. HORWITZ: Your Honor, this is Rich
22 Horwitz.

23 THE SPECIAL MASTER: Yes.

24 MR. HORWITZ: I think everything you

1 said up until the end, I understood what we -- you know,
2 what we were discussing.

3 THE SPECIAL MASTER: Okay.

4 MR. HORWITZ: In terms of trying today
5 with you to put together a time frame, I didn't think
6 that we had talked about that. I thought that --

7 THE SPECIAL MASTER: No, we did not.

8 That's correct, Mr. Horwitz, we did not.

9 MR. HORWITZ: Okay.

10 THE SPECIAL MASTER: And I expect that
11 maybe the only thing that I need to perhaps look at is if
12 there is some expectation that at some point there is
13 going to be a need for a hearing or a review by me, then
14 maybe that's, maybe that should be the focus of something
15 that we discuss today. So I can at least look down at
16 calendar months March and April and say, yeah, that's
17 workable because I have got time on the calendar, and the
18 Court will then know that we have discussed that in
19 advance of tomorrow.

20 Does that make sense?

21 MR. HORWITZ: Your Honor, this is Rich
22 Horwitz. I think in broad strokes we can learn from you
23 what your availability is. We received, when you
24 received, the letter from Fred Cottrell this afternoon.

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1 THE SPECIAL MASTER: Yes.

2 MR. HORWITZ: Which has a proposed
3 timetable that AMD wants to submit to the Court tomorrow.
4 We have just begun to look at this and really aren't in a
5 position to go through all of the issues that are raised
6 here. I think we can say generally, based on information
7 that I think we have already shared with them in terms of
8 a timetable, get this going, that the timetable that they
9 are proposing is way too fast to get through this.

10 We are not trying to hold things up, but
11 I think if you want to look at the timetable that they
12 have proposed, we think you ought to look out further.
13 And I don't know whether it's a month further or
14 somewhere along those lines, to see exactly what your
15 schedule is. But, again, we haven't parsed through this
16 in detail.

17 THE SPECIAL MASTER: Okay. Well, maybe
18 it's worth our while to look at both the time frame that
19 is proposed in the March 6th letter and maybe it's also
20 important to look beyond that, again for purposes of
21 saying to the Court tomorrow, we've discussed that and
22 times are available within the following frame.

23 Does that make sense? Or, quite
24 frankly, if you think you want to be playing all this out

1 with the Court tomorrow, I'm happy to defer to your
2 collective judgment. I just thought that given the
3 nature of the concern that it would be important to save
4 some time for the Court tomorrow. I do understand, I
5 think I am correct that Judge Farnan is in a patent
6 trial.

7 MR. HORWITZ: Your Honor, let me make a
8 suggestion.

9 THE SPECIAL MASTER: Please.

10 MR. HORWITZ: I think it would be best
11 for us to consider this today, to talk to Judge Farnan
12 tomorrow, and perhaps we can talk to counsel for AMD
13 outside the courtroom before we get started a few minutes
14 before.

15 THE SPECIAL MASTER: Yes.

16 MR. HORWITZ: And hear whatever Judge
17 Farnan thinks is appropriate. And I think it will
18 probably just be to direct us to you and then to try and
19 meet and confer possibly even tomorrow, if people aren't
20 getting back on planes right away, to at least start the
21 process and report back to you on scheduling proposals by
22 the end of the week, not to report with any of the
23 substance that they are asking for, but to report back on
24 scheduling proposals by then.

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1 I think the only thing that would be
2 important for us to know about is over the course from
3 now through the May time frame that they suggested or
4 through July, when there is a block of time or August --
5 whatever it is through the summer, Your Honor, if you
6 know you are going to be out for a block of time, that
7 would be useful to know. But to try to do more of that
8 now when we haven't had a chance to talk internally about
9 this or to talk to the other side about it, I don't think
10 it's fair to the parties or to you to put you in the
11 middle with the little information that you have right
12 now.

13 THE SPECIAL MASTER: Okay.

14 MR. DIAMOND: Judge Poppiti, this is
15 Chuck Diamond for AMD.

16 Obviously, Rich Horwitz and I are going
17 to have different views on what's an appropriate time
18 frame. This is not a problem that was discovered
19 yesterday, and we view it as really urgent and looking
20 down the road potentially crippling ongoing discovery
21 unless we get this straightened out very fast. But I
22 agree with Rich that it doesn't really make sense right
23 now on this call to try to hammer out a schedule because
24 I don't think either side can do justice to its position.

1 You are brand new to these issues and probably need some
2 time to digest them.

3 Perhaps what I might suggest is that we
4 meet with class counsel, Intel counsel prior to the
5 hearing tomorrow morning. I think we can reach agreement
6 with Intel that we can report to Judge Farnan that we
7 think that this ought to end up in your lap with respect
8 to establishing the process. And then if you are
9 available later in the morning tomorrow, perhaps retreat
10 somewhere where we can spend 45 minutes to an hour or
11 however long it will take to sort of hammer out an
12 agreement that everybody can live with or if somebody is
13 to be disappointed one that you ultimately order over
14 someone's objections. But I think that may be the most
15 reasonable way of getting things done.

16 I worry if we all get back on planes
17 after tomorrow's hearing at 9:30, then we are going to
18 lose even more time. And you have everybody in the same
19 city -- in fact, in the same block tomorrow morning. I'd
20 urge you to take advantage of that.

21 THE SPECIAL MASTER: Well, yes, that
22 does make sense to me. And I do have time with some
23 adjustments that I can make that I can work with you
24 immediately after the status conference.

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1 MR. HORWITZ: That's fine with us, Your
2 Honor. Good suggestion.

3 THE SPECIAL MASTER: Good.

4 MR. DIAMOND: I assume the judge's
5 courtroom won't be available, so I will be generous with
6 Mr. Cottrell's facilities and suggest that the Richards
7 Layton's folks will host.

8 MR. COTTRELL: That's fine as long as
9 Rich brings the refreshments.

10 THE SPECIAL MASTER: He is going to
11 carry them with him. I am sure everyone appreciates that
12 offer.

13 Well, thank you for making yourselves
14 available and I am at least pleased that you will be able
15 to report to the Court that we had some contact and that
16 we have a plan for meeting immediately after the
17 conference to see what the steps forward should be.

18 MR. DIAMOND: May I just ask Rich and
19 Peter and Darren directly, does 8:30 tomorrow morning
20 sound reasonable.

21 MR. BERNHARD: 8:30 tomorrow morning,
22 yes. Are you bringing coffee and doughnuts?

23 MR. DIAMOND: Are you bringing the
24 cigars?

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1 MR. BERNHARD: I will have one. 8:30
2 sounds reasonable, at the courthouse, yes.

3 MR. SMALL: This is Dan small for the
4 class plaintiffs, I believe my train gets in about 8:15
5 so hopefully I will be at the courthouse by 8:30.

6 MR. HORWITZ: Okay. As long as the
7 train doesn't get diverted to Las Vegas.

8 MR. SMALL: That will be a surprise.

9 MR. BERNHARD: Dan will be the lucky one
10 and his train will wind up in Atlantic City or some other
11 wonderful place like that.

12 THE SPECIAL MASTER: Anything else,
13 please?

14 All right. Thank you all. I look
15 forward to seeing you tomorrow.

16 (Teleconference ended at 5:18 p.m.)

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Teleconference

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C E R T I F I C A T E

STATE OF DELAWARE:
NEW CASTLE COUNTY:

I, Ellen Corbett Hannum, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing teleconference was taken before me, pursuant to notice, at the time and place indicated; that the statements of participants were correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the transcript is a true record of the statements made by the participants; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 7th day of March A.D. 2007.

Ellen Corbett Hannum, RMR, CMRS
Notary Public - Reporter
Delaware Certified Shorthand Reporter
Certification No. 118-RPR