

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES,)	
)	
Plaintiffs,)	Civil Action No.
)	05-441-JJF
v.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	

Teleconference in above matter taken pursuant to notice before Renee A. Meyers, Certified Realtime Reporter and Notary Public, in the offices of Blank Rome, LLP, 1201 North Market Street, Wilmington, Delaware, on Tuesday, August 28, 2007, beginning at approximately 2:30 p.m., there being present:

BEFORE:

THE HONORABLE VINCENT J. POPPITI, SPECIAL MASTER

APPEARANCES:

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Hearing

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1 APPEARANCES (Continued):

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1 SPECIAL MASTER POPPITI: If we would go
2 through the roll call for Renee, please, starting with
3 Class plaintiffs.

4 MR. ATHEY: This is Clayton Athey with
5 Prickett Jones & Elliott for Class plaintiffs.

6 MR. LANDAU: This is Brent Landau with
7 Cohen, Milstein, Hausfeld & Toll also for Class
8 plaintiffs.

9 MR. RIPLEY: Richard Ripley with Bingham,
10 McCutchen for Intel.

11 MR. DRANE: And Harding Drane at Potter,
12 Anderson & Corroon for Intel.

13 SPECIAL MASTER POPPITI: Thank you very
14 much.

15 First of all, I do want to thank you for
16 getting the document to me as promised, and the only
17 question I want to focus on today is the bracket in the
18 now therefore which deals with the due date, if you
19 will.

20 I don't know whether you have all had an
21 opportunity to discuss that, and, if you have, whether
22 you are close to resolution, and if you have and you are
23 not close to resolution -- who was that?

24 MR. SAVERI: This is Rich Saveri joining the

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1 call.

2 SPECIAL MASTER POPPITI: Thank you, sir.

3 MR. LANDAU: This is Brent Landau.

4 Mr. Saveri is another attorney for Class plaintiff.

5 SPECIAL MASTER POPPITI: Thank you very

6 much.

7 MR. RIPLEY: Your Honor, Richard Ripley for
8 Intel. We haven't had discussions since we submitted
9 the form with the blank. Part of it is that I think, I
10 am sure Your Honor has discerned this, but Intel would
11 like a date certain, but the plaintiffs are still kind
12 of trying to figure out what they want to do with
13 respect to the order that's going to issue.

14 And, so, I think that's why it's a little
15 difficult for us to come to a date certain because I am
16 not quite sure -- Brent can speak for himself -- but I
17 am not quite sure that the Class wants to commit to a
18 date certain at this point.

19 SPECIAL MASTER POPPITI: Let me ask this
20 even before hearing that: Maybe the way that would be,
21 you should frame discussions, if it's important to have
22 those discussions, is to have so many days running from
23 the date when my order becomes final. And that, of
24 course, would be consistent with -- it would be another

1 paragraph that I would be adding to this consistent with
2 the dispute, how disputes are resolved before me and how
3 long you have to take an exception to Judge Farnan. So,
4 it would either be from the finality of my order or it
5 would be from the finality of Judge Farnan's order
6 whatever dates you choose.

7 MR. RIPLEY: That makes sense to us provided
8 that that time is a reasonable time because we are
9 currently, I know that my partner, David Valbanian, is
10 concerned with Mr. Saveri on what we are to do with the
11 depositions that are currently scheduled and we are
12 working that out. But we want to make sure that one
13 doesn't get ahead of the other.

14 SPECIAL MASTER POPPITI: Okay.

15 MR. LANDAU: This is Brent Landau from
16 Cohen, Milstein. I think, also, from Class plaintiffs'
17 perspective, a date that's tied to the finality of Your
18 Honor's order or Judge Farnan's order would be fine, and
19 I think we can certainly confer with Intel about that.

20 The only consideration, and, again, we can
21 confer about this, is that it would obviously need to be
22 a sufficient amount of time to gather the information
23 requested, but, given that, I don't think we would have
24 a problem coming to an agreement about that.

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1 SPECIAL MASTER POPPITI: Then, what do you
2 expect would be the best way to approach this? I mean,
3 I am certainly happy to let you continue to have or have
4 some discussion about how long a period of time you are
5 going to need either from the date of my order, when it
6 becomes final, or from Judge Farnan's order, if he is
7 asked to look at this.

8 Can you accomplish that discussion in fairly
9 short order so that I can have the opportunity to pen
10 that into this order and issue it?

11 MR. RIPLEY: I hope so, Your Honor, because
12 we know that our ability to do that is going to start
13 the chain of events.

14 What would be -- is there a way we can do
15 that -- I'd kind of like the adequate but the least
16 formal way we can get that information to you this
17 afternoon because I would propose that Mr. Landau and I
18 just get on the phone after we hang up.

19 SPECIAL MASTER POPPITI: Sure.

20 MR. LANDAU: That's fine, Your Honor.

21 SPECIAL MASTER POPPITI: Then if this
22 afternoon is good, then the least formal way is to drop
23 me some e-mail, and once I am in the possession of your
24 work, expecting that you do reach agreement, I will take

1 care of getting the order out of here likely today.

2 MR. RIPLEY: That would be terrific, Your
3 Honor.

4 SPECIAL MASTER POPPITI: Anything else,
5 please?

6 MR. LANDAU: There were two other items on
7 the proposed order, I am sure Your Honor saw, that we
8 weren't able to reach agreement on. I am happy to
9 respond to any questions about that or --

10 SPECIAL MASTER POPPITI: I have no questions
11 about that. I think whether or not I choose to -- you
12 said two and I am looking down at this document; I see
13 them, yes -- whether I choose to adopt them or not, I
14 think the record adequately protects both parties with
15 respect to what was said and discussed.

16 MR. LANDAU: Thank you, Your Honor.

17 SPECIAL MASTER POPPITI: Okay? Anything
18 else, please? Thank you all. Look forward to the
19 e-mail.

20 (The hearing was concluded at 2:35 p.m.)

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1 C E R T I F I C A T E

2 STATE OF DELAWARE:

3 :
4 NEW CASTLE COUNTY:

5 I, Renee A. Meyers, a Registered Professional
6 Reporter, within and for the County and State aforesaid,
7 do hereby certify that the foregoing teleconference was
8 taken before me, pursuant to notice, at the time and
9 place indicated; that the teleconference was correctly
10 recorded in machine shorthand by me and thereafter
11 transcribed under my supervision with computer-aided
12 transcription; that the foregoing teleconference is a
13 true record; and that I am neither of counsel nor kin to
14 any party in said action, nor interested in the outcome
15 thereof.

16 WITNESS my hand this 28th day of August A.D.
17 2007.

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RENEE A. MEYERS
REGISTERED PROFESSIONAL REPORTER
CERTIFICATION NO. 106-RPR
(Expires January 31, 2008)

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