

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, Registered Professional Reporter and Notary Public, in the offices of Blank Rome, LLP, 1201 North Market Street, Wilmington, Delaware, on Tuesday, February 26, 2008, beginning at approximately 2:00 p.m., there being present:

BEFORE:

THE HONORABLE VINCENT J. POPPITI, SPECIAL MASTER

APPEARANCES:

O'MELVENY & MYERS
JENNIFER LASER, ESQ.
1999 Avenue of the Stars
Los Angeles, California 90067
for AMD

CORBETT & WILCOX
Registered Professional Reporters
230 North Market Street Wilmington, DE 19899
(302) 571-0510
Corbett & Wilcox is not affiliated
With Wilcox & Fetzer, Court Reporters

1 APPEARANCES (Continued):

2 RICHARDS, LAYTON & FINGER
3 CHAD SHANDLER, ESQ.

4 One Rodney Square
5 Wilmington, DE 19899
6 for AMD

7 POTTER, ANDERSON & CORROON
8 RICHARD L. HORWITZ, ESQ.

9 1313 North Market Street, 6th Floor
10 Wilmington, DE 19899
11 for Intel

12 BINGHAM, McCUTCHEN, LLP
13 RICHARD RIPLEY, ESQ.

14 3 Embarcadero Center
15 San Francisco, California 94111
16 for Intel

17 PRICKETT, JONES & ELLIOTT
18 J. CLAYTON ATHEY, ESQ.

19 1310 King Street
20 Wilmington, DE 19801
21 for Class

22 COHEN, MILSTEIN, HAUSFELD & TOLL, P.L.L.C.
23 DANIEL SMALL, ESQ.

24 1100 New York Avenue, N.W
Suite 500, West Tower
Washington, D.C. 20005
for Class

18 FINKELSTEIN THOMPSON & LOUGHRAN
19 RICHARD VOLLEN, ESQ.

20 235 Pine Street, 15th Floor
21 San Francisco, California 94104
22 for Class

23 MORRIS, NICHOLS, ARSHT & TUNNELL
24 MARY B. GRAHAM, ESQ.

1201 North Market Street
Wilmington, Delaware 19899
for Frys Electronics

1 APPEARANCES (Continued):

2

QUINN EMANUEL

3

MICHAEL POWELL, ESQ.

4

865 Figueroa Street, 10th Floor
Los Angeles, California 90017
for Frys Electronics

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1 SPECIAL MASTER POPPITI: We will start,
2 then, with Class Plaintiffs.

3 MR. ATHEY: Your Honor, Clay Athey for
4 Class Plaintiffs from Prickett, Jones & Elliott.

5 SPECIAL MASTER POPPITI: Thank you.

6 MR. SMALL: Dan Small with Cohen,
7 Milstein for the Class Plaintiffs.

8 SPECIAL MASTER POPPITI: Thank you.

9 MR. VOLEN: Richard Volen with
10 Finkelstein, Thompson for Class Plaintiffs.

11 SPECIAL MASTER POPPITI: Thank you.

12 MR. POWELL: You have Mike Powell from
13 Quinn Emanuel for Frys Electronics.

14 SPECIAL MASTER POPPITI: Thank you.

15 MS. GRAHAM: And Mary Graham for Frys.

16 SPECIAL MASTER POPPITI: Thank you.

17 MR. SHANDLER: For AMD, Your Honor, it's
18 Chad Shandler from Richards, Layton & Finger.

19 SPECIAL MASTER POPPITI: Thank you.

20 MS. LASER: Jennifer Laser from
21 O'Melveny for AMD.

22 SPECIAL MASTER POPPITI: Thank you.

23 MR. HORWITZ: For Intel, Your Honor,
24 it's Rich Horwitz from Potter, Anderson & Corroon.

1 SPECIAL MASTER POPPITI: Thank you.

2 MR. RIPLEY: And Richard Ripley from
3 Bingham, McCutchen.

4 SPECIAL MASTER POPPITI: Thank you. I
5 think that covers the ballpark.

6 The purpose, of course, today, was to
7 advise me of the status of either discussions that you
8 have had regarding production or discussions that you
9 expect to have so that I can be sure that we are still
10 moving forward toward production unless there have been
11 any other developments regarding the status of Judge
12 Farnan's order.

13 MR. POWELL: This is Mike Powell for
14 Frys. I can say today that Frys is not appealing Judge
15 Farnan's order, and I think I will let Dan Small address
16 his view of how things are progressing, but we are in
17 discussions and we do have a production date set right
18 now that we may need a little bit of relief from
19 depending on how the discussions go, but I will let Dan
20 Small address that for us.

21 MR. SMALL: This is Dan Small, Your
22 Honor. I am happy to address that. We have had
23 conversations with Frys. We are making progress, I
24 believe, towards an appropriate production from Frys. In

1 fact, we have spent two calls now discussing some of the
2 details and the timing of the production, and, basically,
3 what we worked out so far is that in return for
4 cooperation from Frys on certain issues that otherwise
5 might get to Your Honor, we will give Frys some
6 additional time to pull together the data that we need.

7 We currently have agreed to give them
8 one extra week of time for the production and we have
9 told Frys that if they continue to provide cooperation
10 and to do so on a timely basis, that we would entertain
11 further extensions of the deadline.

12 MR. POWELL: Your Honor, if I could just
13 put a date on that, I think we are in agreement that,
14 presently, the production deadline is March 7th, 2008.

15 SPECIAL MASTER POPPITI: Okay.

16 MR. SMALL: That is correct, Your Honor.

17 SPECIAL MASTER POPPITI: With that, I
18 mean, it seems to me it makes some sense to ask that
19 there be a preparation of a form of order,
20 notwithstanding the fact that you have got your record
21 protected by virtue of this record, I think it's
22 important for it to be a docketed entry as a form of
23 order. So I would like one of you to propose who should
24 be drafting that order ultimately for my entry and for

1 Judge Farnan's ultimate signature.

2 MR. POWELL: Dan, we are happy to draft
3 a form of order regarding the production deadline.

4 SPECIAL MASTER POPPITI: Okay.

5 MR. SMALL: That would be great if you
6 could shoot us a draft of that, Mike, to look at that.

7 MR. POWELL: Certainly.

8 SPECIAL MASTER POPPITI: Mr. Powell,
9 when would you expect you will be able to have that
10 drafted and ultimately on my desk?

11 MR. POWELL: I would anticipate
12 circulating it to Class by the end of the business day
13 here in California and I am sure we can probably have it
14 submitted to the Court tomorrow.

15 MR. SMALL: That should work, Your
16 Honor.

17 SPECIAL MASTER POPPITI: Then let me
18 look for end of business East Coast tomorrow.

19 Any other matters, then, please?

20 MR. POWELL: Not at this time, Your
21 Honor.

22 MR. SMALL: Not for the Class, Your
23 Honor.

24 SPECIAL MASTER POPPITI: Thanks for the

1 work that you did to accomplish the agreement that you
2 have reached.

3 MR. POWELL: Thank you, Your Honor.

4 MR. SMALL: Thank you, Your Honor.

5 SPECIAL MASTER POPPITI: Bye now.

6 (The teleconference was concluded at

7 2:06 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

C E R T I F I C A T E

STATE OF DELAWARE:
:
NEW CASTLE COUNTY:

I, Renee A. Meyers, a Registered Professional Reporter, 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 teleconference was correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the foregoing teleconference is a true record; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand this 26th day of February A.D. 2007.

Renee A. Meyers

RENEE A. MEYERS
REGISTERED PROFESSIONAL REPORTER
CERTIFICATION NO. 106-RPR
(Expires January 31, 2111)

