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December 9, 2008

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VIA ELECTRONIC MAIL AND BY HAND

The Honorable Vincent J. Poppiti
Blank Rome LLP
Chase Manhattan Centre, Suite 800
1201 North Market Street
Wilmington, DE 19801

**Re: *Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al.*,
C.A. No. 05-441-JJF;
In re Intel Corp., C.A. No. 05-1717-JJF; and
Phil Paul v. Intel Corporation (Consolidated), C. A. No. 05-485 (JJF)
DM 20**

Dear Judge Poppiti:

Intel respectfully requests that, prior to the issuance of your Report and Recommendation on the matter of the length of the depositions of the Dell witnesses, Your Honor reconsider the length of the time accorded to Intel with respect to three of the six Dell witnesses. At the end of yesterday's telephonic hearing, Your Honor expressed your intention to recommend the following time limits for the six Dell depositions: Dan Allen and Jeff Clarke, 21 hours each (17.5 hours for the plaintiffs and 3.5 hours for Intel); Michael Dell, Kevin Rollins, Alan Luecke, and Jerele Neeld, 14 hours each (10.5 hours for the plaintiffs and 3.5 hours for Intel). For Messrs. Clarke and Allen, this amounts to a 5-to-1 ratio of examination time between the plaintiffs and Intel. For the other witnesses, this amounts to a 3-to-1 ratio.

Your Honor indicated in expressing your ruling that 3.5 hours was the amount of time Intel had requested. This is not an entirely correct statement of Intel's position. Intel explained in its letter submission of December 4, 2008 that it had provided Dell and AMD with an estimate of 3.5 hours for each of the Dell witnesses based on the premise that the depositions would be a total of seven hours in length as provided by Federal Rule of Civil Procedure 30(d) and that, "to the extent the Court grants AMD's request for substantially more time, Intel may require some additional time to address or further develop all of the additional documents or issues that will be covered by AMD in its examination." December 4, 2008 letter from Richard Horwitz, at page 3. As Intel further explained during the December 8 telephone hearing, Intel was and is not seeking equal time to examine the Dell witnesses, but Intel pointed out that it might need some modest additional time if the Court gave AMD and the Class substantial time beyond one day, which is now the case. Thus, consistent with Intel's submission, and in light of the amount of time

allocated to the plaintiffs, Intel requests that Your Honor provide Intel with an additional 1.5 hours of examination of Jeff Clarke and Dan Allen and an additional one hour of examination of Alan Luecke. Intel is not requesting any additional time for the other three Dell witnesses.

As plaintiffs' counsel made clear in their written submissions and during the hearing, they intend to walk these witnesses through portions of numerous emails and other documents. Intel's basic estimate was based on its intended scope of examination, with some time reserved to address issues raised in plaintiffs' examination. The length of plaintiffs' examination as contemplated in the ruling will inevitably require more time for Intel to address the documents and issues covered by plaintiffs in that examination time. This will be impossible as a practical matter if plaintiffs are given five hours to examine a witness for every hour given to Intel. Accordingly, Intel respectfully requests that as to each of Jeff Clarke and Dan Allen, the Court revise its allocation of the 21 hours of examination time for each witness to provide AMD and the class with 16 hours of examination and Intel 5 hours of examination. As to Alan Luecke, Intel respectfully requests that the Court revise its allocation of the 14 hours of examination to provide AMD and the class with 9.5 hours of examination and Intel 4.5 hours of examination. These allocations still significantly favor plaintiffs, but provide Intel a more reasonable allocation.

Respectfully,

/s/ Richard L. Horwitz

Richard L. Horwitz (#2246)

RLH/
894354/29282

cc: Clerk of Court (via Hand Delivery)
Counsel of Record (via CM/ECF & Electronic Mail)