

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE INTEL CORPORATION)	MDL No. 05-1717-JJF
MICROPROCESSOR ANTITRUST)	
LITIGATION)	

ADVANCED MICRO DEVICES, INC. and)	C. A. No. 05-441-JJF
AMD INTERNATIONAL SALES &)	
SERVICE, LTD.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
INTEL CORPORATION and INTEL)	
KABUSHIKI KAISHA,)	
)	
Defendants.)	

PHIL PAUL, on behalf of himself and all others)	C. A. No. 05-485-JJF
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	

**NOTICE OF TAKING DEPOSITION OF
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL
SALES & SERVICE, LTD.**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Intel Corporation will take the deposition of Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. (collectively, "AMD") at the offices of Bingham McCutchen LLP, Three Embarcadero Center, San Francisco, CA 94111, beginning a 9:30 a.m. on June 8, 2009, or at such other time and place as the parties may agree. The deposition will be

recorded by stenographic and sound-and-visual (videographic) means, will be taken before a Notary Public or other officer authorized to administer oaths, and will continue from day to day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, AMD is hereby notified of its obligation to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on its behalf as to the information known or reasonably available to AMD concerning the matters embraced in the "Description of Matters on Which Examination is Requested."

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Dated: April 30, 2009

914107/29282

EXHIBIT A

EXHIBIT A:

DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED

DEFINITIONS

1. "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.

2. "Intel's Alleged Wrongful Acts" means and refers to the alleged acts taken by Intel as described in paragraphs 35 through 116 in the complaint AMD filed in the action Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. v. Intel Corporation, C.A. No. 05-441-JJF (D. Del.) on June 27, 2005 and paragraphs 140 through 230 in the First Amended Consolidated Complaint filed in Paul v. Intel Corporation, C. A. No. 05-485-JJF (D. Del).

3. "Class Actions" means and refers collectively to the actions Paul v. Intel Corporation, C. A. No. 05-485-JJF, pending in the United States District Court for the District of Delaware, and Intel x86 Microprocessor Cases, J.C.C.P. 4443, No. 1-05-CV-045077, pending in the Superior Court of California for the County of Santa Clara.

4. "Plaintiff Classes" means and refers collectively to the plaintiff classes alleged in the Class Actions.

5. "Class Periods" means and refers collectively to the time periods June 28, 2001 to the present and July 14, 2001 to the present, as defined by the complaints in the Class Actions.

6. "First Amended Consolidated Complaint" means and refers to the First Amended Consolidated Complaint that the class plaintiffs in Paul v. Intel Corporation, C. A. No. 05-485-JJF (D. Del) filed on May 26, 2006.

**SUBJECTS ON WHICH AMD IS REQUESTED TO PROVIDE INFORMATION
KNOWN OR REASONABLY AVAILABLE TO IT**

1. The number of additional x86 microprocessors AMD would have sold during the Class Periods in the absence of Intel's Alleged Wrongful Acts, the purchasers to whom it would have sold them and at what prices.
2. Whether the damages AMD is seeking to recover from Intel in this action are based on the assumption that AMD's sales of x86 microprocessors during the Class Periods would have been made at higher or lower prices than the sales of x86 microprocessors AMD actually made during those periods.
3. The prices at which Intel would have sold x86 microprocessors during the Class Periods in the absence of Intel's Alleged Wrongful Acts.
4. Whether there would have been any additional entrants to the x86 microprocessor market in the absence of Intel's Alleged Wrongful Acts and, if so, who would they have been.
5. The changes in the relative positions of AMD and Intel in the desktop (both commercial and consumer), mobile, (both consumer and commercial) and server market segments that would have occurred during the Class Periods in the absence of Intel's Alleged Wrongful Acts, and when they would have occurred.
6. The dates and means by which (a) AMD would have begun to increase its capacity to produce x86 microprocessors in the absence of Intel's Alleged Wrongful Acts and (b) such increase would have enabled AMD to produce the number of such microprocessors it believes it could have sold in a market unrestrained by Intel's Alleged Wrongful Acts.
7. The improvements in performance or features, if any, there would have been in the x86 microprocessors sold by AMD and Intel, respectively, during the Class Periods in the absence of Intel's Alleged Wrongful Acts.
8. What incentive Intel would have had to offer discounts or rebates on the products it sold in the portion of the microprocessor market that AMD's counsel told the Court was "uncontestable" if it had been prohibited from offering discounts based upon a customer's total purchases.
9. The nature, location and custodian of any data in AMD's possession, or known by it to exist, that identifies the prices at which devices containing x86 processors were sold by the manufacturers, distributors, wholesalers or retailers of such devices during the Class Periods.
10. Information in the possession of AMD, or known by it to exist, from which it would be possible to determine the nature and extent of any relationship between the prices paid by OEMs for x86 microprocessors during the Class Periods and the prices paid by retailers, distributors and end-users for the devices that contained them.

11. Information in the possession of AMD, or known by it to exist, from which it would be possible to determine the nature and extent of any relationship between the discounts and allowances provided by Intel to its customers on the x86 microprocessors sold to them during the Class Periods and the prices paid by the retailers, distributors and end-users for the devices that contained them.

12. Whether, during the Class Periods, OEMs could or did adjust the prices they charged for devices containing x86 microprocessors in anticipation of receiving what AMD has described as "retroactive rebates" from Intel.

13. Whether Intel's Alleged Wrongful Acts affected the prices paid by purchasers of servers in a different way, or to a greater or lesser extent, than they did the prices paid by purchasers of other devices that contained x86 microprocessors and, if so, why.

14. What factors OEMs took into account during the Class Periods in setting the prices for devices manufactured by them that incorporated x86 microprocessors and whether those factors varied as between different devices, different OEMs, different competitive conditions, different parts of the country or different times of the year.

15. What factors retailers took into account during the Class Periods in setting the prices for devices sold by them that incorporated x86 microprocessors and whether those factors varied as between different devices, different retailers, different competitive conditions, different parts of the country or different times of the year.

16. Any reason known to AMD why it would be easier to trace increases or decreases in the prices of x86 microprocessors to increases or decreases in the end-user prices of devices containing them than tracing the effect of changes in the prices of Graphic Processor Units on the prices paid by end-users for devices containing them.

17. Whether Intel did in fact withhold discounts or allowances from customers who failed to meet purchasing targets set by Intel and, if so, in which cases.

18. Whether AMD has ever, directly or indirectly, conditioned the giving of a discount, allowance or rebate on a customer's achieving volume or percentage of requirements thresholds and, if so, to which customers and on what terms.

19. Whether it is possible to identify the members of the Plaintiff Classes who bought devices containing the x86 microprocessors sold by Intel in the transactions described in those portions of the First Amended Consolidated Complaint that the Court ordered stricken in its Memorandum Opinion of March 7, 2007, or in transactions that were affected by the alleged actions of Intel described in the stricken portions.

20. Whether it is correct as AMD stated in its Opposition to Intel's Motion to Dismiss AMD's Foreign Commerce Claims For Lack of Subject Matter Jurisdiction and Standing in the case of *Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. v. Intel Corporation*, C.A. No. 05-441-JJF (D. Del.) that "[A]pproximately 70% of the x86 product market . . . represents non-US purchases."

21. Whether AMD has entered into a joint prosecution agreement with either of Plaintiff Classes and, if so, when did it do so and on what terms.

22. All communications between any representative of AMD or person acting on its behalf and any person representing or acting on behalf of either of the Plaintiff Classes relating to the prosecution of the Class Actions or to any statement made or position taken or to be taken by AMD or on behalf of the Plaintiff Classes in either of those actions or in AMD's action against Intel.

23. The steps taken to ensure that the person or persons presented by AMD to be deposed on the subjects described in this Notice of Taking of Deposition are knowledgeable about them and able to state with authority the position of AMD with respect to them.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr., hereby certify that on April 30, 2009, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on April 30, 2009, I have Electronically Mailed the documents to the following non-registered participants:

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