

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

IN RE:) MDL Docket No. 05-1717 (JJF)
INTEL CORP. MICROPROCESSOR)
ANTITRUST LITIGATION)

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

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

NOTICE OF SUBPOENA AD TESTIFICANDUM

PLEASE TAKE NOTICE that, pursuant to Rule 45 and Rule 30(b)(6) of the Federal Rules of Civil Procedure, a subpoena *ad testificandum* has been or will be served on FactSet CallStreet, LLC, 90 Park Avenue, 3rd Floor, New York, NY 10016. A true and correct copy of the subpoena is attached as Exhibit A.

Defendant Intel Corporation will take the deposition upon oral examination of FactSet CallStreet, LLC, regarding the subject matter set forth in Schedule A attached to the Subpoena. The deposition will take place before an authorized court reporter, commencing at 9:00 A.M. on

June 11, 2009 at the offices of Gibson Dunn & Crutcher LLP, 200 Park Avenue, New York, NY 10166, or at such other time and place as agreed to by the parties. The deposition will continue from day to day until completed and shall be transcribed. You are invited to attend and cross-examine the witness.

OF COUNSEL:

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Dated: May 15, 2009
916299/29282

POTTER ANDERSON & CORROON LLP

By: /s/ W. Harding Drane, Jr.
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Attorneys for Defendants
Intel Corporation and Intel Kabushiki Kaisha

EXHIBIT A

UNITED STATES DISTRICT COURT
for the
Southern District of New York

Advanced Micro Devices, Inc. and AMD International)
Plaintiff)
v.) Civil Action No. 05-441-JJF
Intel Corporation and Intel Kabushiki Kaisha)
Defendant) (If the action is pending in another district, state where:
District of Delaware

SUBPOENA TO TESTIFY AT A DEPOSITION
OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

To: FactSet CallStreet, LLC
90 Park Avenue, 3rd Floor, New York, NY 10016

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is *not* a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:
See Schedule A, attached hereto.

Place: Gibson Dunn & Crutcher LLP 200 Park Avenue New York, NY 10166	Date and Time: 06/11/2009 9:00 am
--	--------------------------------------

The deposition will be recorded by this method: Audiovisual and stenographic

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 05/13/2009

CLERK OF COURT

OR



Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Intel Corporation and Intel Kabushiki Kaisha, who issues or requests this subpoena, are:

Andrew Cline
1050 Connecticut Ave., NW, Ste. 300, Washington, DC 20036
202-887-3698 acline@gibsondunn.com

Civil Action No. 05-441-JJF

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I personally served the subpoena on the individual at *(place)* _____
_____ on *(date)* _____; or

I left the subpoena at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the subpoena on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

I returned the subpoena unexecuted because _____; or

Other *(specify)*:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____
_____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the issuing court must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information;

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or

(iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) *Contempt.* The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

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SCHEDULE A

DEFINITIONS AND INSTRUCTIONS

The following terms shall have the meanings set forth below whenever used in any discovery request.

1. The term "AMD, Inc." means Advanced Micro Devices, Inc., and AMD International Sales & Service, Ltd., and any parent, subsidiary or affiliate entities, as well as the owners, partners, officers, directors, employees, agents, and other representatives of Advanced Micro Devices, Inc., and AMD International Sales & Service, Ltd.
2. The term "FactSet" means FactSet Research Systems, Inc., and any affiliate entities, as well as the owners, employees, agents, and other representatives of FactSet Research Systems, Inc.
3. The term "FactSet CallStreet" means Factset CallStreet, LLC, a subsidiary of FactSet
4. The term "CallStreet" means CallStreet, LLC prior to its acquisition by FactSet Research Systems, Inc. in or around May 2004.
5. The term "Analyst and Earnings Call Reports" refers to any reports, transcripts, summaries, or analyses of periodic teleconference calls between officers or directors of a public company and analysts, reporters, other members of the investment or media industries, shareholders and/or the general public.
6. The term "FactSet Application" means any application or tool made available by FactSet or CallStreet, including the FactSet CallStreet website application, that permits users to access transcripts of Analyst and Earnings Call Reports.

DEPOSITION TOPICS

1. Authentication of Analyst And Earnings Call Reports for AMD, Inc. that were recorded, transcribed, produced, created, edited, distributed, or published by FactSet, FactSet Callstreet, or CallStreet, or made available through any FactSet Application, from 2000 to present.

2. Description of the process of creating and preparing Analyst And Earnings Call Reports for AMD, Inc. that were recorded, transcribed, produced, created, edited, distributed, or published by FactSet, FactSet Callstreet, or CallStreet, or made available through any FactSet Application, from 2000 to present.

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

CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr. hereby certify that on May 15, 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 May 15, 2009, I have Electronically Mailed the documents to the following non-registered participants:

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