

**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.)	

**INTEL CORPORATION'S OBJECTIONS TO PLAINTIFFS' NOTICE OF SUBPOENA
AD TESTIFICANDUM AND DUCES TECUM
OF DAVID KAPLAN**

Pursuant to Rule 45(c)(2)(B) of the Federal Rules of Civil Procedure, Defendant Intel Corporation ("Intel") hereby objects to class plaintiffs' subpoena *ad testificandum* and *duces tecum* of David Kaplan that class plaintiffs noticed on May 19, 2009.

GENERAL OBJECTIONS

1. Intel objects to class plaintiffs' subpoena *ad testificandum* and *duces tecum* to the extent that it seeks to impose requirements or obligations on Intel in addition to or different from those imposed by the Federal Rules of Civil Procedure.

2. Intel objects to the time period for responding to the document requests in the subpoena *ad testificandum* and *duces tecum* as an improper attempt to accelerate the 30-day response period under Rule 34 of the Federal Rules of Civil Procedure and because it does not allow a reasonable time within which to produce the requested documents.

3. Intel objects to the service of the subpoena *ad testificandum* and *duces tecum* because Intel has not agreed to accept service of the subpoena on behalf of Kaplan and, to Intel's knowledge, the subpoena has not otherwise been properly served on Kaplan.

4. Intel objects to the subpoena to the extent it seeks information protected from disclosure by the Amended Stipulation and Protective Order Regarding Expert Discovery filed in this matter on May 11, 2007 or the Stipulation and Order Modifying CMO No. 3 Regarding Exchange of Documents Considered by Experts, dated October 27, 2008.

5. Intel objects to the subpoena to the extent that it calls for the production of documents considered by Kaplan solely in reaching opinions in other matters, including *Intel x86 Microprocessor Cases*, J.C.C.P. No. 4443, pending in the Superior Court of the State of California, County of Santa Clara.

6. Intel reserves the right to supplement their objections and/or responses.

RESPONSES

Subject to the general objections set forth above and the specific objections set forth below, Intel responds to class plaintiffs' subpoena *ad testificandum* and *duces tecum* as follows:

REQUEST NO. 1

All documents, including deposition transcripts but excluding pleadings filed in this matter, Dr. Kaplan considered in forming his opinions in this matter, including opinions reflected in his expert report and any further or modified opinions he has reached.

RESPONSE TO REQUEST NO. 1

In addition to the General Objections listed above, Intel objects to this request as being overly broad and unduly burdensome, and to the extent it seeks irrelevant information or information that is not reasonably calculated to lead to the discovery of admissible evidence. Intel further objects to this request to the extent that it calls for the production of documents already produced to the class plaintiffs pursuant to the Stipulation and Order Modifying CMO No. 3 Regarding Exchange of Documents Considered by Experts.

Subject to and without waiving the foregoing specific and general objections, Intel states that, to its knowledge, there are no documents responsive to this request that have not already been produced to the class plaintiffs.

REQUEST NO. 2

All documents reflecting any further or modified opinions Dr. Kaplan has reached since submitting his expert report in this matter.

RESPONSE TO REQUEST NO. 2

In addition to the General Objections listed above, Intel objects to this request as being overly broad and unduly burdensome, and to the extent it seeks irrelevant information or information that is not reasonably calculated to lead to the discovery of admissible evidence. Intel further objects to this request to the extent that it calls for the production of documents protected by the attorney-client privilege and/or work product immunity.

Subject to and without waiving the foregoing specific and general objections, Intel states that, to its knowledge, there are no documents responsive to this request.

REQUEST NO. 3

A copy of the cover and relevant pages of any books or articles Dr. Kaplan considered in forming his opinions in this matter.

RESPONSE TO REQUEST NO. 3

In addition to the General Objections listed above, Intel objects to this request as being overly broad and unduly burdensome, and to the extent it seeks irrelevant information or information that is not reasonably calculated to lead to the discovery of admissible evidence. Intel further objects to this request to the extent that it calls for the production of documents protected by the attorney-client privilege and/or work product immunity. Intel further objects to this request on the basis that the request for publicly available books and articles is contrary to the Stipulation and Order Modifying CMO No. 3 Regarding Exchange of Documents Considered by Experts, dated October 27, 2008, which expressly excludes such materials from required production. Intel further objects to this request on the basis that, to its knowledge, Kaplan did not consider any books or articles in forming his opinions in this matter other than those cited by Kaplan in his Declaration dated October 20, 2008 – all of which are both publicly available and were cited by class plaintiffs' expert, Dr. Keith Leffler, in his Declaration dated May 18, 2008 and, therefore, are equally available to class plaintiffs as they are to Intel.

OF COUNSEL:

David M. Balabanian
James L. Hunt
Donn P. Pickett
Frank M. Hinman
BINGHAM McCUTCHEN LLP
Three Embarcadero Center
San Francisco, CA 94111-4067
(415) 393-2000

POTTER ANDERSON & CORROON LLP

By: /s/ W. Harding Drane, Jr.
Richard L. Horwitz (#2246)
W. Harding Drane, Jr. (#1023)
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhowitz@potteranderson.com
wdrane@potteranderson.com

Attorneys for Defendants
Intel Corporation and Intel Kabushiki Kaisha

Dated: May 21, 2009

917518/29282

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

CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr. hereby certify that on May 21, 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:

Jesse A. Finkelstein
Frederick L. Cottrell, III
Chad M. Shandler
Steven J. Fineman
Richards, Layton & Finger
One Rodney Square
920 North King Street
Wilmington, DE 19801

James L. Holzman
J. Clayton Athey
Prickett, Jones & Elliott, P.A.
1310 King Street
P.O. Box 1328
Wilmington, DE 19899

I hereby certify that on May 21, 2009, I have Electronically Mailed the documents to the following non-registered participants:

Charles P. Diamond
Linda J. Smith
O'Melveny & Myers LLP
1999 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067
cdiamond@omm.com
lsmith@omm.com

Mark A. Samuels
O'Melveny & Myers LLP
400 South Hope Street
Los Angeles, CA 90071
msamuels@omm.com

Salem M. Katsh
Laurin B. Grollman
Kasowitz, Benson, Torres & Friedman LLP
1633 Broadway, 22nd Floor
New York, New York 10019
skatsh@kasowitz.com
lgrollman@kasowitz.com

Daniel A. Small
Cohen, Milstein, Hausfeld & Toll, P.L.L.C.
1100 New York Avenue, NW
Suite 500, West Tower
Washington, DC 20005
dsmall@cmht.com

Craig C. Corbitt
Judith A. Zahid
Zelle Hofmann Voelbel & Mason LLP
44 Montgomery Street
Suite 3400
San Francisco, CA 94104
ccorbitt@zelle.com
jzahid@zelle.com

Guido Saveri
R. Alexander Saveri
Saveri & Saveri, Inc.
706 Sansome Street
San Francisco, CA 94111
guido@saveri.com
rick@saveri.com

Michael P. Lehmann
Jon T. King
Hausfeld LLP
44 Montgomery Street
Suite 3400
San Francisco, CA 94104
mlehmann@hausfeldllp.com
jking@hausfeldllp.com

Steve W. Berman
Anthony D. Shapiro
Hagens Berman Sobol Shapiro, LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
steve@hbsslw.com
tony@hbsslw.com

Michael D. Hausfeld
Brent W. Landau
Hausfeld LLP
1146 19th Street, NW
Fifth Floor
Washington, DC 20036
mhausfeld@hausfeldllp.com
blandau@hausfeldllp.com

By: /s/ W. Harding Drane, Jr.
Richard L. Horwitz (#2246)
W. Harding Drane, Jr. (#1023)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhowitz@potteranderson.com
wdrane@potteranderson.com
Attorneys for Defendants
Intel Corporation and Intel Kabushiki Kasiha