IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION))) MDL No. 1717-JJF))
ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICES, LTD., a Delaware corporation,))))
Plaintiffs,)))
v.) C.A. No. 05-441-JJF
INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation,)))
Defendants.)
PHIL PAUL, on behalf of himself and all others similarly situated,)) C.A. No. 05-485-JJF
Plaintiffs,) CONSOLIDATED ACTION
V.)
INTEL CORPORATION,)
Defendants.))

OBJECTIONS OF ADVANCED MICRO DEVICES, INC. AND AMD INTERNATIONAL SALES & SERVICE, LTD. TO INTEL CORPORATION'S NOTICE OF DEPOSITION REGARDING AMD'S CONTENTIONS

Pursuant to the Federal Rules of Civil Procedure, including Rule 30, and the Local Rules of the United States District Court for the District of Delaware, plaintiffs Advanced Micro Devices, Inc., and AMD International Sales & Service, Ltd. (collectively, "AMD"), each on its

own behalf and together, hereby object to the Notice of Deposition entitled "Notice of Taking Deposition Of Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd." For the reasons stated in the objections, and previously communicated to Intel's counsel, AMD will not produce a witness to testify in response to this Notice of Deposition at this time. Furthermore, even if AMD were going to produce a witness, the deposition would need to be scheduled at a different date and time, as offered by the Notice itself.

GENERAL OBJECTIONS

AMD asserts the following General Objections to the Deposition Notice, and each and every matter on which examination is requested in Exhibit A of the Notice, whether or not they are separately stated in each response:

- 1. AMD objects to each and every subject matter on which examination is requested, and to the Notice of Deposition in its entirety, on the ground that it seeks premature expert discovery, outside of the timing and process for expert discovery agreed to by the parties and ordered by the Court.
- 2. AMD objects to each and every subject matter on which examination is requested, and to the Notice of Deposition in its entirety, on the ground that it improperly seeks to obtain AMD's legal and/or factual contentions and analysis through deposition testimony, information that is appropriately sought through other discovery methods, including written discovery.
- 3. AMD objects to each and every subject matter on which examination is requested, and to the Notice of Deposition in its entirety, on the ground that, the subject matters of examination in the Deposition Notice seek information covered by the confidentiality agreement and protective order, information to which AMD employees and potential witnesses do not have

access. For this reason as well, a deposition is not the appropriate method to obtain the information sought by the subjects of examination.

- 4. AMD objects to each and every subject matter on which examination is requested, and to the Notice of Deposition in its entirety, on the ground that it improperly seeks information protected from disclosure by the attorney-client privilege, the attorney work product doctrine, and other applicable privileges and protections, and is propounded for improper tactical purposes.
- 5. AMD objects to each and all of Intel's "Definitions" to the extent they are vague and ambiguous and uncertain or purport to impose obligations that are unauthorized by, additional to, or inconsistent with the Federal Rules of Civil Procedure or the Local Rules of the United States District Court for the District of Delaware, including but not limited to the definition of "AMD."
- 6. AMD objects to each and every subject matter of examination to the extent it calls for information that contains or reveals trade secrets or other confidential research, development, commercial, financial, or personnel information, which, if disclosed or disseminated without restriction to Intel or third parties, could adversely impact AMD's business. AMD will not produce any such confidential information except pursuant to the protective order.
- 7. AMD objects to each and every subject matter of examination to the extent it calls for information held subject to contractual or other legal obligations of confidentiality owed to its employees, clients, customers, or other third parties. AMD will not produce any such third party confidential information except pursuant to the protective order.
- 8. AMD each objects to each and every subject matter of examination in that they seek information that is neither relevant to the claims or defenses of a party nor reasonably likely to lead to the discovery of admissible evidence.

9. AMD hereby renews its offer to meet and confer with Intel about Intel's subject matters of examination, particularly if Intel believes that AMD's interpretation of those subject matters as seeking expert and contention testimony, as well as information covered by the protective order, is not accurate.

RESPONSES TO SPECIFIC SUBJECT MATTERS

SUBJECT OF EXAMINATION NO. 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 and at what prices.

RESPONSE TO SUBJECT OF EXAMINATION NO. 1:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 2:

Whether the damages AMD is seeking to recover from Intel in this action are based on the assumption that AMD's sales of x 86 microprocessors during the Class Periods would have been made at higher or lower prices than the sales of x 86 microprocessors AMD actually made during those periods.

RESPONSE TO SUBJECT OF EXAMINATION NO. 2:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground

that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 3:

The prices at which Intel would have sold x 86 microprocessors during the Class Period s in the absence of Intel's Alleged Wrongful.

RESPONSE TO SUBJECT OF EXAMINATION NO. 3:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 4:

Whether there would have been and additional entrants to the x86 microprocessor market in the absence of Intel's Alleged Wrongful acts and, if so, who would they have been.

RESPONSE TO SUBJECT OF EXAMINATION NO. 4:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential

witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 5:

The changes in the relative positions of AMDN and Intel in the desktop 9both 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 5:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 6:

The dates and means by which (a) AMD would have begun to increase its capacity to produce x 86 microprocessors in the absence of Intel's Alleged Wrongful Acts and 9b) such increases 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 6:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 7:

The improvements in performance or features, if any, there would have been in the x 86 microprocessors sold by AMD and Intel, respectively, during the Class Periods in the absence of Intel's Alleged Wrongful Acts.

RESPONSE TO SUBJECT OF EXAMINATION NO. 7::

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 form offering discounts based upon a customer's total purchases.

RESPONSE TO SUBJECT OF EXAMINATION NO. 8:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 x 86 microprocessors were sold by the manufacturers, distributors, wholesalers, or retailers of such devices during the Class Periods.

RESPONSE TO SUBJECT OF EXAMINATION NO. 9:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this

Subject of examination on the ground that it seeks information that is protected by the attorneyclient privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 86 microprocessors during the Class Periods and the prices paid by retailers, distributors and end-users for the devices that contained them.

RESPONSE TO SUBJECT OF EXAMINATION NO. 10:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 11:

Information in the possess 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 for the prices paid by the retailers, distributors, and end-users for the devices that contain them.

RESPONSE TO SUBJECT OF EXAMINATION NO. 11:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2)

improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 12:

Whether during the Class Periods, OEMS could or did adjust the prices they charged for devices containing x 86 microprocessors in anticipate of receiving what AMD has described as "retroactive rebates" from Intel.

RESPONSE TO SUBJECT OF EXAMINATION NO. 12:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 13:

Whether Intel's Alleged Wrongful Acts affected the prices paid by purchases of servers id a different way, or to a greater or lesser extent, than they did the prices paid by purchasers of other devices that contained x 86 microprocessors and, if so, why.

RESPONSE TO SUBJECT OF EXAMINATION NO. 13:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 of different times of the year.

RESPONSE TO SUBJECT OF EXAMINATION NO. 14:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 15:

What factors retailers 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 of different times of the year.

RESPONSE TO SUBJECT OF EXAMINATION NO. 15:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 16:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this

Subject of examination on the ground that it seeks information that is protected by the attorneyclient privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 17:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 threshold and, if so, to which customers and on what terms.

RESPONSE TO SUBJECT OF EXAMINATION NO. 18:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential

witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 m Opinion of March 7, 2007, or in transactions that were affected by the alleged actions of Intel described in the stricken portions.

RESPONSE TO SUBJECT OF EXAMINATION NO. 19:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 20:

Whether it is correct as AMD stated in its Opposition to Intel's Motion to Dismiss AMD's Foregoing Commerce Claims For Lack of Subject Matter Jurisdiction and Standing tin 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."

RESPONSE TO SUBJECT OF EXAMINATION NO. 20:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 21:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 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 C lasses 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 22:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this Subject of examination on the ground that it seeks information that is protected by the attorney-client privilege, the work product doctrine, and other applicable privileges and protections.

SUBJECT OF EXAMINATION NO. 23:

The steps taken to ensure that the person or person presented by AMD to be deposed on the subject describe 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.

RESPONSE TO SUBJECT OF EXAMINATION NO. 23:

AMD incorporates its General Objections into this Response. AMD objects to this subject of examination on the grounds that it (1) seeks premature expert discovery, (2) improperly seeks deposition discovery regarding AMD's contentions, and (3) seeks information that is subject to the protective order in this action and to which AMD's employees and potential witnesses do not have access. AMD also objects to this subject of examination on the ground that it is vague and ambiguous, overbroad, and unduly burdensome. AMD further objects to this

Subject of examination on the ground that it seeks information that is protected by the attorneyclient privilege, the work product doctrine, and other applicable privileges and protections.

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Dated: June 4, 2009

/s/ Steven J. Fineman

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Service, Ltd.

IN THE UNITED STATES DISTRICT COURT DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Hand Delivery to the following:

Richard L. Horwitz, Esquire W. Harding Drane, Jr., Esquire Potter Anderson & Corroon LLP 1313 North Market Street P. O. Box 951 Wilmington, DE 19899 James L. Holzman, Esquire Prickett, Jones & Eliott, P.A. 1310 King Street P.O. Box 1328 Wilmington, DE 19899-1328

and have sent via electronic mail to the following non-registered participants:

Darren B. Bernhard, Esquire Howrey LLP 1299 Pennsylvania Avenue, N.W. Washington, DC 20004-2402

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/s/ Steven J. Fineman

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