

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

<p>IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION</p>	<p>MDL Docket No. 05-1717 (JJF)</p>
<p>ADVANCED MICRO DEVICES, INC., a Delaware corporation, and AMD INTERNATIONAL SALES & SERVICE, LTD., a Delaware corporation,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>INTEL CORPORATION, a Delaware corporation, and INTEL KABUSHIKI KAISHA, a Japanese corporation</p> <p style="text-align: center;">Defendants.</p>	<p>C.A. No. 05-441 (JJF)</p> <p>PUBLIC VERSION JULY 13, 2009</p>
<p>PHIL PAUL, on behalf of himself and all others similarly situated,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> <p>INTEL CORPORATION,</p> <p style="text-align: center;">Defendant.</p>	<p>C.A. No. 05-485-JJF</p> <p>CONSOLIDATED ACTION</p>

**DECLARATION OF DONN P. PICKETT IN SUPPORT OF INTEL'S OPPOSITION TO
AMD'S MOTION TO COMPEL RE 30(b)(6) NOTICE AND DOCUMENT REQUESTS**

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Kaisha*

I, Donn P. Pickett, declare as follows:

1. I am an attorney at Bingham McCutchen LLP, counsel of record for Intel Corporation and Intel Kabushiki Kaisha (“Intel”) in this matter. I am licensed to practice law in the State of California. I have personal knowledge of the matters stated in this declaration and, if called as a witness, could and would testify competently to them.

2. Attached as Exhibit 1 is a true and correct copy of the June 20, 2007 Stipulation and Order Bifurcating Discovery into Intel’s Evidence Preservation Issues.

3. Attached as Exhibit 2 is a true and correct copy of a March 24, 2008 e-mail from Kay E. Kochenderfer to James Pearl.

4. Attached as Exhibit 3 is a true and correct copy of a May 2, 2008 e-mail from Kay E. Kochenderfer to James Pearl.

5. Attached as Exhibit 4 is a true and correct copy of relevant portions of the May 16, 2006 Case Management Order No. 1.

6. Attached as Exhibit 5 is a true and correct copy of Intel Corporation and Intel Kabushiki Kaisha’s May 23, 2009 Response to Notice of Taking Deposition of Intel Corporation and Intel Kabushiki Kaisha Concerning Evidence Preservation and Completeness of Document Production, and Request for Production of Documents.

7. Attached as Exhibit 6 is a table, which provides examples of the substantial overlap between AMD’s prior and new discovery requests.

8. Attached as Exhibit 7 is a true and correct copy of a June 12, 2009 e-mail from Jeffrey Fowler to Brian Rocca.

9. Attached as Exhibit 8 is a true and correct copy of a June 12, 2009 e-mail from Susan Welch to Jeffrey Fowler.
10. Attached as Exhibit 9 is a true and correct copy of AMD's April 10, 2007 Notice of Taking Deposition of Intel Corporation and Intel Kabushiki Kaisha and Request for Production of Documents.
11. Attached as Exhibit 10 is a true and correct copy of AMD's May 15, 2007 Notice of Taking Deposition of Intel Corporation and Intel Kabushiki Kaisha and Request for Production of Documents Regarding Remediation.
12. Attached as Exhibit 11 is a true and correct copy of a November 8, 2007 letter from James Pearl to Richard Levy.
13. Attached as Exhibit 12 is a true and correct copy of a November 21, 2007 letter from Richard Levy to James Pearl.
14. Attached as Exhibit 13 is a true and correct copy of AMD's January 5, 2009 letter to Special Master Vincent Poppiti.
15. Attached as Exhibit 14 is a true and correct copy of a June 9, 2009 letter from Donn Pickett to David Herron.
16. Attached as Exhibit 15 is a true and correct copy of relevant portions of the transcript from the June 15, 2009 discovery hearing.
17. Attached as Exhibit 16 is a true and correct copy of the Court's June 23, 2009 Order on Intel's Motion for Further Deposition Responses.
18. Attached as Exhibit 17 is a true and correct copy of relevant portions of the deposition transcript of Eva Almirantearena.

19. Attached as Exhibit 18 is a true and correct copy of relevant portions of the deposition transcript of Roy Batista.

20. Attached as Exhibit 19 is a true and correct copy of relevant portions of the deposition transcript of Dorr Clark.

21. Attached as Exhibit 20 is a true and correct copy of relevant portions of the deposition transcript of Malcolm Harkins.

22. Attached as Exhibit 21 is a true and correct copy of relevant portions of the deposition transcript of Michael O'Donnell.

23. Attached as Exhibit 22 is a true and correct copy of relevant portions of the deposition transcript of Perry Olson.

24. Attached as Exhibit 23 is a true and correct copy of relevant portions of the deposition transcript of Curtis Smith.

25. Attached as Exhibit 24 is a true and correct copy of relevant portions of the rough deposition transcript of Diane Bryant.

26. Attached as Exhibit 25 is a true and correct copy of relevant portions of the deposition transcript of Louis Burns.

27. Attached as Exhibit 26 is a true and correct copy of relevant portions of the deposition transcript of Deborah Conrad.

28. Attached as Exhibit 27 is a true and correct copy of relevant portions of the deposition transcript of Tammy Cyphert.

29. Attached as Exhibit 28 is a true and correct copy of relevant portions of the deposition transcript of Shervin Kheradpir.

30. Attached as Exhibit 29 is a true and correct copy of relevant portions of the deposition transcript of Eric Kim.

31. Attached as Exhibit 30 is a true and correct copy of relevant portions of the deposition transcript of Sean Maloney.

32. Attached as Exhibit 31 is a true and correct copy of relevant portions of the deposition transcript of Jeffrey McCrea.

33. Attached as Exhibit 32 is a true and correct copy of relevant portions of the deposition transcript of Paul Otellini.

34. Attached as Exhibit 33 is a true and correct copy of relevant portions of the deposition transcript of Kazemasu Yoshida.

35. Attached as Exhibit 34 are true and correct copies of: *Banks v. Office of the Senate Sergeant-at-Arms*, 222 F.R.D. 7 (D.D.C. 2004); *State Farm Mut. Auto. Ins. Co. v. New Horizont, Inc.*; 254 F.R.D. 227 (E.D. Pa. 2008); and *Static Control Components, Inc., v. Lexmark Int'l, Inc.*, No. 04-84-GFVT, 2006 U.S. Dist. LEXIS 85139 (E.D. Ky. Nov. 9, 2006).

36. Attached as Exhibit 35 is a true and correct copy of a spreadsheet detailing the mailbox size limits for Intel Custodians' Outlook email accounts, produced on October 13, 2007 under DCN 68902-000001.

37. Attached as Exhibit 36 is a true and correct copy of an October 15, 2007 email from Richard Levy to David Herron and James Pearl, which attaches Intel's narrative responses to AMD's Requests for Production Nos. 13 and 33.

38. Attached as Exhibit 37 is a true and correct copy of relevant portions of the June 2, 2008 Case Management Order No. 4.

39. Attached as Exhibit 38 is a true and correct copy of a March 20, 2007 letter from Robert Cooper to Charles Diamond and Daniel Small describing Intel's email archiving solution.

40. Attached as Exhibit 39 is a true and correct copy of a March 28, 2007 letter from Robert Cooper to Mark Samuels following up on the March 20, 2007 letter to Charles Diamond and Daniel Small regarding Intel's email archiving solution.

41. Attached as Exhibit 40 is a true and correct copy of a May 30, 2008 letter from Donn Pickett to David Herron, which attaches a list of the dates Intel Custodians were placed on Journaling.

42. Attached as Exhibit 41 is a true and correct copy of the Court's July 10, 2007 Order re AMD and Class Plaintiff's Initial Remediation Discovery.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 26 day of June, 2009 at San Francisco, California.



Donn P. Pickett

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