

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO DEVICES, INC., a
Delaware corporation, and AMD
INTERNATIONAL SALES & SERVICES,
LTD., a Delaware corporation,

Plaintiffs,

v.

INTEL CORPORATION, a Delaware
corporation, and INTEL KABUSHIKI KAISHA,
a Japanese corporation,

Defendants.

C.A. No. 05-441-JJF

IN RE
INTEL CORPORATION
MICROPROCESSOR ANTITRUST
LITIGATION

MDL No. 1717-JJF

PHIL PAUL, on behalf of himself
And all others similarly situated,

Plaintiffs

v.

INTEL CORPORATION,

Defendants.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION


PUBLIC VERSION

**SECOND DECLARATION OF JAY SRINIVASAN IN SUPPORT OF DEFENDANTS'
REPLY IN SUPPORT OF MOTION TO COMPEL PRODUCTION OF AMD'S BACK-
END MANUFACTURING DATA**

Of Counsel:

Robert E. Cooper, Esq.
Daniel S. Floyd, Esq.
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, CA 90071
(213) 229-7000

Joseph Kattan, PC
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036
(202) 955-8500

Darren B. Bernhard, Esq.
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004
(202) 783-0800

Richard L. Horwitz, Esq. (#2246)
W. Harding Drane, Jr., Esq. (#1023)
Potter Anderson & Corroon, LLP
Hercules Plaza 6th Floor
1313 N. Market Street
P.O. Box 951
Wilmington, DE 19899-0951
(302) 984-6000
rhorwitz@potteranderson.com
wdrane@potteranderson.com

Attorneys for Defendants
Intel Corporation and
Intel Kabushiki Kaisha

Dated: September 17, 2009

Public Version Dated: September 28, 2009

I, Jay Srinivasan, declare as follows:

1. I am an attorney admitted to practice law in the State of California and before this Court *pro hac vice*. I am counsel at Gibson, Dunn & Crutcher LLP, counsel of record for Intel Corporation ("Intel") in the above actions. The matters contained in this Declaration are based on personal knowledge, except those matters stated on information and belief, and if called as a witness, I would competently testify under oath as to them.

2. After Intel pointed out the deficiencies in AMD's original back-end manufacturing data production in July 2009, AMD did not produce additional back-end data. Instead, AMD produced a collection of three different types of reports spanning the years 2000 through 2008. For some of the weeks during this period, AMD produced no reports at all, meaning that for those weeks Intel does not have any of the back-end data contained in any of these reports. Leaving these gaps aside, for the remaining weeks, AMD produced one of the following three reports for each week:



Within the different categories of reports, there is significant variance from week to week in terms of the amount and type of information included.

3. Even in cases where a particular instance of one of the above three reports includes the maximum amount of information, it lacks critical categories of back-end manufacturing data. For example, each iteration of the [redacted] report lacks the following categories of back-end manufacturing data: (1) sufficient information about die bank inventory; and (2) downstream inventory data. Further, many of the iterations of this

report lack some or all of the following additional categories of back-end manufacturing data:

(1) back-end yield data of any kind; (2) die bank data; (3) sufficient packout information; (4) sufficient information about finished goods inventory; and (5) information about fallout processors.

4. Each iteration of the [REDACTED] report lacks the following categories of back-end manufacturing data: (1) sufficient information about packages; (2) die bank binning information; and (3) sufficient information about finished goods inventory. Further, many of the iterations of this report lack sufficient back-end yield information.

5. Each iteration of the [REDACTED] report lacks the following categories of back-end manufacturing data: (1) back-end yield data of any kind; (2) limited or no binning data; (3) sufficient packaging information; (4) sufficient information about finished goods inventory; and (5) sufficient information about die bank.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, and that this Declaration was executed on September 17, 2009, in Los Angeles, California.


Jay P. Srinivasan