

**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
October 22, 2009

**DECLARATION OF MICHAEL QUINN IN SUPPORT OF
DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO RESPOND
TO AMD'S AMENDED EXPERT REPORTS**

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Intel Corporation and
Intel Kabushiki Kaisha

Dated: October 8, 2009

PUBLIC VERSION
October 22, 2009

I, Michael Quinn, declare as follows:

1. I am a Managing Principal at Analysis Group, an economic, financial, and business strategy consulting firm retained by Intel Corporation and Intel Kabushiki Kaisha (collectively, "Intel") in this matter. I have been retained by Intel as a consultant to assist in responding to AMD's expert report of Dr. Daryl Ostrander ("Ostrander report"). 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. I, along with other consultants at Analysis Group, began reviewing several new spreadsheets AMD produced on September 15, 2009 to Intel that revised aspects of the Ostrander report (the "September 15 revisions"). These new spreadsheets changed aspects of the Ostrander report, as well as included new supporting materials. The September 15 revisions required over 300 staff hours to identify changes, evaluate how they affected ongoing analyses, and make initial changes in those analyses.

3. On September 29, 2009, I participated in a conference call with counsel and consultants for AMD and Intel to discuss, among other things, the September 15 revisions. During this call, individuals on behalf of Intel raised questions about discrepancies between the September 15 revisions and the original Ostrander report. These discrepancies were not previously disclosed to us by AMD though we were told that AMD had documented for Intel all of the changes between the September 15 revisions and the original Ostrander report. Neither counsel nor the consultants for AMD could answer the questions regarding the discrepancies in the September 15 revisions.

4. One week later, on October 6, 2009, AMD sent Intel a letter along with new files related to AMD's expert reports. These new files contain ten spreadsheets relevant to the

Ostrander report, as well as five replacement pages for the Ostrander report itself. On October 7, 2009, I and others at Analysis Group began reviewing the contents of these new files (the "October 6 revisions"). The letter from AMD accompanying the files describes only in very general terms some, but not all, of the changes. But the letter provides enough information for us to understand that the October 6 revisions materially affect our existing analyses rebutting the pre-existing version of the Ostrander report.

5. An additional concern is that when the September 15 revisions were sent, the AMD letter explaining those revisions did not describe all of the changes. That appears to be the case with the October 6 revisions as well. The October 6 revisions thus have unspecified revisions that I and my team are left to try to understand on our own. Based on a preliminary assessment, none of the new files themselves identify what specifically has changed. Each of the ten new files, as well as the five replacement pages, must now be reviewed in detail to identify changes since the September 15 revisions.

6. Even if any additional changes we find in the ten new files turn out to be trivial, that will not be known until the file comparisons are complete. Based on an initial review, we already have identified non-trivial, material changes in the revised materials that will profoundly affect our analyses. For example, the October 6 revisions indicate the Ostrander report's constraint analyses, which are central conclusions in that report, have changed in five of the eight scenarios.

7. In addition, our current review, which is not yet complete, has unearthed additional changes. For example, the October 6 revisions materially change AMD's view of

[REDACTED]

[REDACTED] The

October 6 revisions also materially change [REDACTED]

[REDACTED] Because these scenarios relate directly to the fundamental conclusions of the Ostrander report, the changes made in the October 6 revisions will have a substantial impact on Intel's analyses in rebutting the Ostrander report. The reason for this is that the eight capacity constraint analysis scenarios in the Ostrander Report are very elaborate and are comprised of complex spreadsheets with numerous undocumented interactions. Further, much of the data in these analyses are constrained by assumptions regarding AMD's historical manufacturing capabilities and so changes to them must be vetted against all of these assumptions. This is an extremely time consuming process that is not limited to analyzing only those elements that were changed but all of the related elements that could be impacted by any one particular change. In other words, each change has the potential to have a ripple effect, the degree of which cannot be determined without spending substantial time to review all of the potential variables that could be affected.

8. We already have determined that the October 6 revisions have materially changed the results of Dr. Ostrander's analysis, raising new questions. Responding to these new revisions will take even longer than responding to the September 15 revisions.

9. As part of Analysis Group's support work for Intel's testifying expert responding to the Ostrander report, we are engaged in an "audit" process of ascertaining the accuracy of everything in the expert report and preserving a careful record of how the testifying expert's analyses were carried out and the source documents on which he has relied. This process was delayed by the September 15 revisions, but had been on track to be completed by October 19, 2009, the current due date for Intel's expert reports. Given the new October 6 revisions, this is no longer the case.

10. Reviewing and understanding the October 6 revisions alone will take much of the time from our receipt of these revisions to the current due date for Intel's expert report. Intel's testifying expert's current analyses of the Ostrander report's scenarios will have to be revised based on the October 6 revisions. For the five scenarios for which the Ostrander report has now reached different conclusions, Intel's testifying expert must now analyze the new conclusions. These analyses must then be incorporated into the report before the audit process can be redone.

I declare under penalty of perjury that the foregoing is true and correct, and that this Declaration was executed on October 8, 2009 in Boston, Massachusetts.



Michael Quinn