IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

DECLARATION OF DANIEL S. FLOYD IN SUPPORT OF INTEL'S OPPOSITION TO AMD'S MOTION TO COMPEL PRODUCTION OF THE CONFIDENTIAL VERSION OF THE EUROPEAN COMMISSION'S DECISION IN CASE COMP/37.990 – INTEL

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cc: Clerk of Court (via Hand Delivery)
All Counsel of Record (via CM/ECF & Electronic Mail)

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DECLARATION OF DANIEL S. FLOYD

I, Daniel S. Floyd, make the following declaration.

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 in the above actions. The matters contained in this declaration are based on personal knowledge, and if called as a witness, I would competently testify under oath as to them.

2. In its October 6, 2009 letter, AMD accuses Intel of making "every conceivable effort to prevent AMD from obtaining relevant information concerning Intel's conduct within the relevant market but outside U.S. borders," and asserts that disclosure of the confidential version of the European Commission's Decision is necessary because of "Intel's inexcusable failure to produce" emails. (AMD's Letter at 3.) The one example that AMD cites to support this sweeping accusation is a January 2003 email from an Acer executive to an Intel executive containing the words, "REQUESTED BY INTEL'S MANAGEMENT" (the "January 2003 email").

3. In fact, the January 2003 email was produced to AMD *four* times during the course of fact discovery in this litigation.

4. Two documents containing the January 2003 email were produced on or about June 15, 2007, as part of Intel Production 9. These documents, identified internally as EED 669361 and EED 7615881, are attached hereto as **Exhibit 1** and **Exhibit 2**, respectively. The unique EED number appears in the footer of each document. The words "REQUESTED BY INTEL'S MANAGEMENT" appear on the final page of both exhibits, in the last bullet point.

5. Exhibit 1 was produced in native format with the Document Control Number (DCN) 67323-010110. Exhibit 2 was produced in native format with the DCN 67323-053896. The custodian for Exhibits 1 and 2 is [redacted] Attached as **Exhibit 3** is the cover letter to Intel Production 9, which shows that [redacted] custodian documents, with the DCN range of 67323-000001 through 67323-059451, were produced to AMD as part of Intel Production 9.

6. Two *additional* documents containing the January 2003 email were produced to AMD on or about February 11, 2008, as part of Intel Production 34. These documents, identified internally as EED 10000080855653 and EED 10000080602488, are attached hereto as **Exhibit 4** and **Exhibit 5**, respectively. The unique EED number appears in the footer of

each document. The words "REQUESTED BY INTEL'S MANAGEMENT" appear on the final page of both exhibits, in the last bullet point.

7. Exhibit 4 was produced in native format with the DCN 67323-079622. Exhibit 5 was produced in native format with the DCN 67323-145149. The custodian for Exhibits 4 and 5 is [redacted] Attached as **Exhibit 6** is the cover letter to Intel Productions 34-36, which shows that [redacted]'s custodian documents, with the DCN range of 67323-078846 through 67323-163455, were produced to AMD as part of Intel Production 34.

8. Under Section J of the Second Amended Stipulation Regarding Electronic Discovery and Format of Document Production, "each party shall supply a list of the Producing Party's documents that it requests for production" in TIFF format. (D.I. 288, No. 05-441-JJF). AMD did not request that any of the aforementioned documents be TIFFed for use in the litigation.

9. Intel TIFFed the document produced as DCN 67323-053896 (Exhibit 2 to this declaration), which was then assigned the Bates number 67323DOC0000087-90. The TIFFed version of Exhibit 2, which contains the January 2003 email, is attached hereto as **Exhibit 7**.

I declare under penalty of perjury under the laws of the United States of America that, to the best of my knowledge and belief, the foregoing is true and correct. Executed on October 19, 2009.

Daniel Floyd

Daniel S. Floyd

EXHIBIT 1

THIS EXHIBIT HAS BEEN REDACTED IN ITS ENTIRETY

EXHIBIT 2

THIS EXHIBIT HAS BEEN REDACTED IN ITS ENTIRETY

EXHIBIT 3

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EXHIBIT 4

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EXHIBIT 6

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EXHIBIT 7

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