

**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. and AMD INTERNATIONAL SALES & SERVICE, LTD.,)	C. A. No. 05-441-JJF
)	
Plaintiffs,)	DM No. ____
)	
vs.)	
)	
INTEL CORPORATION and INTEL KABUSHIKI KAISHA,)	
)	
Defendants.)	

**CERTIFICATION OF BERNARD C. BARMANN, JR. IN SUPPORT OF
ADVANCED MICRO DEVICES, INC. AND AMD INTERNATIONAL
SALES & SERVICE, LTD.'S MOTION FOR PROTECTIVE ORDER**

I, Bernard C. Barmann, Jr. make this certification pursuant to Local Rule 7.1.1 and state that the following efforts and exchanges have been made by Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd.'s (collectively "AMD") to reach agreement with Intel Corporation and Intel Kabushiki Kaisha (collectively "Intel") on the subject of the accompanying letter brief:

1. On August 5, 2008, Sogol K. Pirmazar (Intel counsel appointed as deposition point person) sent a letter to me requesting a Rule 30(b)(6) deposition "regarding ATI's position with respect to the ability to trace fluctuations in the price of a component in the final price of a computer." Attached hereto as Exhibit C is a true and correct copy of the August 5, 2008 letter.

2. On August 18, 2008, Margaret M. Zwisler (counsel to ATI and AMD in the case captioned *In re Graphics Processing Units Antitrust Litigation*, MDL 1826) responded in writing

to Ms. Pirnazar regarding Intel's request for a Rule 30(b)(6) deposition on this topic. I was cc'd on the transferring email for this letter. Ms. Zwisler explained in the letter that no one at ATI could competently testify about the relationship between GPU prices and the cost of a computer incorporating the GPU. Attached hereto as Exhibit E is a true and correct copy of the August 18, 2008 letter.

3. On August 18, 2008, Kristen A. Palumbo (counsel for Intel) sent Ms. Zwisler a letter via email stating that Intel's Rule 30(b)(6) deposition notice was directed at AMD, not ATI. Ms. Palumbo noted that Intel had received no objection from AMD regarding the deposition notice. Ms. Zwisler responded to Ms. Palumbo via email on August 19, 2008, alerting her that the August 18, 2008 objections were sent on behalf of both AMD and ATI. I was cc'd on both the letter from Ms. Palumbo and the resulting correspondence by email between Ms. Palumbo and Ms. Zwisler, and received both. Attached hereto as Exhibit I is a true and correct copy of this chain of correspondence.

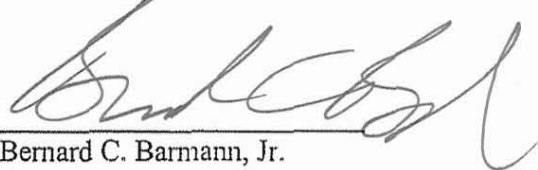
4. On August 27, 2008, Ms. Palumbo sent Ms. Zwisler a letter via email responding to both Ms. Zwisler's August 18, 2008 letter to Ms. Pirnazar and Ms. Zwisler's August 19, 2008 email to Ms. Palumbo. Ms. Palumbo confirmed that Intel was not seeking a deposition of Dr. Michelle Burtis and did, indeed, intend to depose the person(s) most knowledgeable at AMD about the factual basis for AMD's position in the *GPU* litigation, despite the prior objections of AMD. I was cc'd on, and received, the aforementioned letter. Attached hereto as Exhibit B is a true and correct copy of this letter.

5. On September 3, 2008, I wrote an email to Ms. Pirnazar to confirm that AMD would not appear for the requested deposition and would, instead, file a motion for a protective order. Attached hereto as Exhibit J is a true and correct copy of this email.

Dated: September 22, 2008

Respectfully submitted,

By:



Bernard C. Barmann, Jr.
O'MELVENY & MYERS LLP

*Attorney for Plaintiffs Advanced Micro
Devices, Inc. and AMD International Sales
& Service, Ltd.*