



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

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May 18, 2010

**Via Email**

Office of Administrative Law Judges  
Federal Trade Commission  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580

Re: *In the Matter of Intel Corporation* Docket No. 9341.

Dear Sir or Madam:

On behalf of Complaint Counsel and Respondent Intel Corporation, I have enclosed the original and two paper copies of the public version of the parties' Joint Status Report, as requested by the Court at the March 25, 2010, Status Conference.

Consistent with the approach of the parties in March and April, I am not filing a copy of this status report with the Secretary. If the Court wants us to do so, please let me know.

Please call me if you have any questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Thomas H. Brock".

Thomas H. Brock

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

<b>In the Matter of</b>	)	
	)	
<b>INTEL CORPORATION,</b>	)	<b>DOCKET NO. 9341</b>
<b>a corporation.</b>	)	<b>PUBLIC</b>
	)	
	)	

**JOINT STATUS REPORT**

Pursuant to the Court's request at the March 25, 2010, Status Conference, the parties submit this joint status report. The parties do not believe that a status conference is needed this month and will report back to the Court next month.

**I. Party Document Production.**

**A. Complaint Counsel's position.**

1. Complaint Counsel's Document Requests to Intel.

We currently expect to complete our document discovery served on Intel by June 15, 2010.

a. We served our First Request for Production on January 18, 2010.

Pursuant to the stipulation of the parties, we expect that Intel will substantially complete its production by May 25, 2010.

b. We served our Second Request for Production of Documents on February 24, 2010. The parties have negotiated a schedule for production for those documents.

c. We served our Third Request for Production of Documents on May 12, 2010. Intel will respond to that document request on or before June 11, 2010.

d. We are concerned about several matters relating to Intel's withholding of documents pursuant to a claim of privilege. We will continue to assess this

matter and, after conferring with counsel for Intel, will bring it to the attention of the Court only if the parties are unable to resolve the matters by agreement.

**2. Complaint Counsel's Response to Intel's Document Requests.**

We substantially completed our production in response to Intel's First Request on February 16, 2010, and provided Intel with corresponding privilege logs on March 18, 2010, April 29, 2010, and May 10, 2010. The parties are in ongoing discussions regarding certain entries in our privilege log.

Intel served its Second Request for the Production of Document on May 12, 2010, and we will respond to that request on or before June 11, 2010.

**3. Third Party Document Discovery.**

At this time we expect to complete our third party document discovery by June 15, 2010.

**B. Intel's Position**

**1. Intel's Position with respect to Complaint Counsel's Document Production.**

Intel served Complaint Counsel with its First Request for Production on January 14, 2010. Complaint Counsel has stated that it substantially completed its production in response to the First Request on February 16, 2010, and provided Intel with corresponding privilege logs on March 18, 2010, April 29, 2010, and May 10, 2010.

Intel is concerned about several matters relating to Complaint Counsel's production of documents. Depending on the results of the parties' on-going negotiations, Intel may find it necessary to bring those matters to the attention of the Court.

## **II. Depositions**

### **A. Depositions of Intel employees: Complaint Counsel's position.**

We expect to complete 64 of the 66 Intel depositions by June 15, 2010. We began these party depositions on March 30, 2010, and as of today, we have taken the depositions of 32 of these individuals. The parties have scheduled or are scheduling the depositions of the remaining 34 additional individuals, including 7 individuals whom Intel first named as witnesses in its April 27, 2010, witness list.

At Intel's request, we have tentatively agreed to depose one Intel employee on June 22, 2010, and another Intel employee on June 23, 2010. We will seek leave of the Court to conduct these depositions after the June 15, 2010, discovery cut-off date.

### **B. Third Party Depositions.**

#### **1. Complaint Counsel's position.**

We expect to complete our third party depositions by June 15, 2010.

We promptly served approximately 10 Subpoenas Ad Testificandum on third parties to allow third parties adequate time to respond and/or object. To date, we have taken 5 third party depositions, 2 additional third party depositions were delayed at Intel's request, and the remaining 3 depositions have been scheduled for the first two weeks of June.

#### **2. Intel's position.**

Intel has faced significant challenges in obtaining documents and witness availability from third parties. Intel is negotiating with Complaint Counsel and third parties to address these challenges. Intel anticipates, absent agreement with third parties, that there will be motions filed with the Court in the very near future as it attempts to obtain their discovery before June 15, 2010.

The parties will seek leave of the Court to take any depositions of third parties scheduled after June 15, 2010.

### **III. Expert Witnesses**

#### **A. Number of Experts.**

The parties have agreed that each side may name as many as eight expert witnesses. We are currently discussing possible limits on the aggregate length of the expert reports and will report to the Court if we reach an agreement.

#### **B. Timing of Expert Reports.**

Under the Order Amending the Scheduling Order dated April 30, 2010, Complaint Counsel's expert reports are now due on June 29, 2010, Intel's Expert Reports are due July 27, 2010, and Complaint Counsel's Rebuttal Expert Reports are due August 16, 2010.

### **IV. Pending Motions**

There is at least one third party motions objecting to Intel's discovery requests currently pending before the Court.

### **V. Settlement Discussions**

The parties have not engaged in settlement discussions since the filing of the Complaint in this matter on December 16, 2009.

Dated: May 18, 2010

By: Eric Mahr / JCB

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*Complaint Counsel*