

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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IN RE INTEL CORPORATION	)	MDL No. 05-1717-JJF
MICROPROCESSOR ANTITRUST	)	
LITIGATION	)	

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ADVANCED MICRO DEVICES, INC. and	)	C.A. No. 05-441-JJF
AMD INTERNATIONAL SALES &	)	
SERVICE, LTD.,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
INTEL CORPORATION and INTEL	)	
KABUSHIKI KAISHA,	)	
	)	
Defendants.	)	

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PHIL PAUL, on behalf of himself and all others	)	C.A. No. 05-485-JJF
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
INTEL CORPORATION,	)	
	)	
Defendant.	)	

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**COUNTER-NOTICE OF TAKING DEPOSITION OF SONY CORPORATION**

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, and following the subpoena issued on Sony Electronics, Inc., 16530 Via Esprillo, San Diego, California, 92127 by plaintiff Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., defendant Intel Corporation and Intel Kabushika ("Intel") will also take the deposition of Sony Electronics, Inc., on Wednesday, May 6, 2009, at the offices of Veritext,

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<sup>1</sup> The subpoena issued on Sony Electronics, Inc. by plaintiff AMD was originally noticed for March 17, 2009 but the parties have subsequently agreed to May 6, 2009, and may still further agree to a different time and place.

402 West Broadway, Suite 1910, San Diego, California, beginning at 9:30 a.m., or at such other time and place as the parties may agree. The deposition will be recorded by stenographic means, will be taken before a Notary public or other officer authorized to administer oaths, and will continue from day-to-day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference.

A subpoena has been or will be served by Intel on Sony Electronics, Inc., a copy of which is attached as Exhibit B.

OF COUNSEL:

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Dated: April 28, 2009

913610/29282

**POTTER ANDERSON & CORROON LLP**

By: /s/ W. Harding Drane, Jr.  
Richard L. Horwitz (#2246)  
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*Attorneys for Defendants  
Intel Corporation and Intel Kabushiki Kaisha*

**EXHIBIT A**

## EXHIBIT A

### DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED

#### I. DEFINITIONS

1. "Sony" shall mean and refer to Sony Electronics, Inc., including its past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on its behalf, as well as any other subsidiary or affiliate of Sony designing, producing, or selling computer products within, or intended for, the United States.

2. "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on their behalf.

3. "Microprocessor" shall mean general purpose microprocessors using the x86 instruction set (*e.g.*, Pentium, Celeron, Xeon, Sempron, Athlon, and Opteron.).

4. The time period, unless otherwise specified, covered by each topic set forth below is from January 1, 2000 up to and including the present.

#### II. SUBJECT MATTER

1. Opportunities AMD was given by Sony to bid on designs for the sale of microprocessors to Sony, including but not limited to:

- a. the VAIO "All-In-One" desktop for Fall 2004;
- b. the Summer 2005 platform opportunity for 150k units;
- c. the Summer 2006 2-way Opteron or A64 Digital Home server/workstation;
- d. the Fall/Holiday (Cycle 3) opportunity for two desktop skus;
- e. the Fall/Holiday (Cycle 3) opportunity to sell Turion mobile skus for the VAIO A and F models; and

f. the opportunity in the second quarter of 2008 for an Athlon64-based HT desktop.

2. Sony's decision to reduce the number of microprocessor platforms used in its VAIO lineup.

3. What effect the "Sony Shock" had on Sony's business, including whether Sony reduced its suppliers across business units.

4. The reasons why Sony did not launch Athlon64 in the Fall of 2003.

## **EXHIBIT B**

Issued by the  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

Advanced Micro Devices, Inc. and AMD International Sales & Services, Ltd.

SUBPOENA IN A CIVIL CASE

V.

Intel Corporation and Intel Kabushiki Kaisha

Case Number:<sup>1</sup> 05-441, U.S. District Court for the District of Delaware

TO: Sony Electronics, Inc.  
16530 Via Esprillo  
San Diego CA 92127

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
Veritext, 402 West Broadway, Suite 1910, San Diego CA 92101	May 6, 2009 at 9:30 a.m.

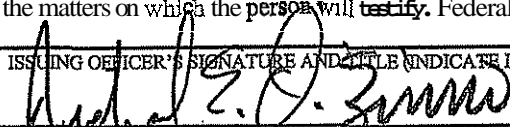
YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE	DATE AND TIME
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YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Defendants	4/27/2009

ISSUING OFFICER'S NAME, ADDRESS, AND PHONE NUMBER

Richard E. D'Amico  
Hovemy LLP  
1299 Pennsylvania Ave NW  
Washington, D.C. 20004  
(202) 333-6733

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

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**PROOF OF SERVICE**

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DATE

PLACE

**SERVED**

---

SERVED ON (PRINT NAME)

MANNER OF SERVICE

---

SERVED BY (PRINT NAME)

TITLE

---

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**DECLARATION OF SERVER**

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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

\_\_\_\_\_ DATE

\_\_\_\_\_ SIGNATURE OF SERVER

\_\_\_\_\_ ADDRESS OF SERVER

\_\_\_\_\_

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**Rule 45, Federal Rules of Civil Procedure, Parts C & D:**

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena a written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met Without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, W. Harding Drane, hereby certify that on April 27, 2009, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

Jesse A. Finkelstein Frederick L. Cottrell, III Chad M. Shandler Steven J. Fineman Richards, Layton & Finger One Rodney Square 920 North King Street Wilmington, DE 19801	James L. Holzman J. Clayton Athey Prickett, Jones & Elliott, P.A. 1310 King Sheet P.O.Box 1328 Wilmington, DE 19899
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I hereby certify that on April 27, 2009, I have Electronically Mailed the documents to the following non-registered participants:

Charles P. Diamond Linda J. Smith O'Melveny & Myers <b>LLP</b> 1999 Avenue of the Stars, 7th Floor Los Angeles, CA 90067 <a href="mailto:cdiamond(iiomm.com)">cdiamond(iiomm.com)</a> <a href="mailto:ismith@omm.com">ismith@omm.com</a>	Mark A. Samuels O'Melveny & Myers <b>LLP</b> 400 South Hope Street Los Angeles, CA 90071 <a href="mailto:msamuels@omm.com">msamuels@omm.com</a>
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<p>Guido Saveri  R. Alexander Saveri  Saveri &amp; Saveri, Inc.,  111 Pine Street, Suite 1700  San Francisco, CA 94111  guido@saveri.com  dck@saveri.com</p>	<p>Michael P. Lehman  Cohen, Milstein, Hausfeld &amp; Toll, P.L.L.C.  One Embarcadero Center, Suite 526  San Francisco, CA 94111  mlehmalll@cmht.com</p>

By: /s/ W. Harding Drane, Jr.  
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Dated: April 28,2009