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July 16, 2009

VIA ELECTRONIC FILING & HAND DELIVERY

The Honorable Vincent J. Poppiti
Fox Rothschild LLP
919 N. Market Street, Suite 1300
Wilmington, DE 19801

Re: Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al., C.A. No. 05-441-JJF; In re Intel Corporation, C.A. No. 05-MD-1717-JJF; and Phil Paul, et al. v. Intel Corporation, C.A. 05-485-JJF (Response to July 15, 2009 letter)

Dear Judge Poppiti:

Intel opposes any request that its lawyer team involved in the Hewlett-Packard (“HP”) depositions be “sequestered” from reviewing the AMD expert reports scheduled to be served on July 20, 2009 pending completion of the final two HP depositions in the next few weeks. Intel has only 7 weeks to complete its expert reports, and effectively preventing key members relating to a critical account at issue in the case from assisting in the report preparation is unfair and unnecessary. There is also no basis in the Rules or Orders in this matter.

AMD has effectively two separate complaints here. The first is that the difficulties in scheduling these final two HP depositions have required it to submit its reports before all of discovery is completed. Given that the parties have completed more than 2200 hours of depositions, including several HP depositions, the remaining 8-12 hours is hardly material. But to address the issue, Intel offered to continue the deadlines, which AMD declined. What Intel has not been willing to do is simply to agree, in advance, to permit amended reports. Intel certainly recognizes that supplementation under Rule 26 would be available, but believes that the logistical challenges and complexity in agreeing in advance to multiple reports was unnecessary.

On the second issue, the belief that it is necessary to “sequester” the Intel counsel involved in the remaining two depositions from review of the expert reports, Intel strongly disagrees. It is critical that all of Intel’s team members be available to assist in the preparation of Intel’s responsive reports in the short 7 week time frame. In particular, the HP depositions have been handled primarily by Joseph Ostoyich of Howrey, along with his associates. The same group will be handling the last two depositions. Not having that team available to work with the

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experts on the HP issues will be prejudicial to Intel. It is very speculative to suggest that some unfair advantage will be obtained in taking 2 short depositions, and certainly not one that outweighs the prejudice to Intel. The parties have taken more than 2200 hours of deposition – it is difficult to imagine any issue to which the parties do not understand the positions of the other. It has been a hugely complex undertaking that has required close cooperation from both sides. The delay in the final two HP depositions are not the result of any plan, but simply the challenges of completing the enormous discovery. AMD's requested relief is neither necessary nor proper.

Respectfully,

/s/ W. Harding Drane, Jr.

W. Harding Drane, Jr.

WHD:cet

cc: Clerk of the Court (By Electronic Filing)

Counsel of Record (via CM/ECF & Electronic Mail)

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