IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION	MDL No. 1717-JJF
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL SALES & SERVICE, LTD., Plaintiffs, vs. INTEL CORPORATION and INTEL KABUSHIKI KAISHA, Defendants.	C. A. No. 05-441-JJF
PHIL PAUL, on behalf of himself and all others similarly situated, Plaintiffs, vs. INTEL CORPORATION, Defendant.	C. A. No. 05-485-JJF CONSOLIDATED ACTION REDACTED PUBLIC VERSION SEPTEMBER 22, 2009

DECLARATION OF MICHAEL M. MADDIGAN
IN SUPPORT OF AMD'S OPPOSITION TO INTEL'S MOTION TO COMPEL
PRODUCTION OF "BACK-END" MANUFACTURING DATA

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Dated: September 14, 2009

DECLARATION OF MICHAEL M. MADDIGAN
IN SUPPORT OF AMD'S OPPOSITION TO INTEL'S MOTION TO COMPEL
PRODUCTION OF "BACK-END" MANUFACTURING DATA

I, Michael Maddigan, declare:

1.   I am a partner in the law firm of O'Melveny & Myers LLP, am a member in good standing of the State Bar of California, am admitted *pro hac vice* to practice before this Court, and am one of the attorneys responsible for representing AMD in this action. I have personal knowledge of the facts stated in this declaration and would, if called as a witness, competently testify to those facts.

2.   I have personally participated in meet-and-confer discussions with counsel for Intel regarding the parties' production of sales and rebate, cost, and manufacturing (front-end and back-end) data in this case. At the beginning of the parties' discussions, Sam Liversidge of Gibson Dunn participated, but, for the most part, Intel was represented in the parties' discussions and written communications by Steve Sletten, David Han, and Michael Lee of Gibson Dunn. I also have met and conferred with Jay Srinivasan of Gibson Dunn regarding AMD's production of manufacturing data, although Mr. Srinivasan became involved later in the data production process and generally did not participate in discussions regarding Intel's own production of manufacturing data. In these discussions, the parties agreed that, consistent with their actual data requests, they would produce cost and manufacturing data reported on a "rolled up" monthly or quarterly basis. When the parties first began discussing the production of manufacturing data, the discussion focused on front-end data. Attached as Exhibit A is a sample or template that Mr. Sletten provided to me on December 18, 2008 to illustrate the manufacturing data that Intel intended to gather to respond to AMD's manufacturing requests. Like Intel's ultimate production of manufacturing data, the template references cost information as well as manufacturing data and is organized on a quarterly basis.

3.   Intel produced back-end manufacturing and cost data to AMD together in a single excel file entitled ATM (Q100-Q407).xls. A true and correct copy of the printed contents of that excel file is attached to this declaration as Exhibit B.

4.   AMD made an initial production of back-end data to Intel in July 2009. The production consisted of 7 separate excel files. A true and correct copy of the printed contents of these files is attached to this declaration as Exhibit C. Because of the volume involved in printing the contents of these excel files, Exhibit C does not include 11,998 rows of underlying data contained in the excel file associated with the data for the 2000-2004 time period.

5.   In August 2009, AMD made an additional, supplemental production of back-end data to Intel. This new production consisted of weekly back-end data reports for the period from Q1 2005 through Q2 2008. In addition, AMD also searched its custodian productions and identified the same or similar weekly reports from the period Q1 2000 through Q4 2004 that already had been produced. After completing its supplemental production of back-end data, AMD provided Intel with a spreadsheet that identified the document title and document control

number for each of the weekly back-end data reports that AMD produced to Intel. A true and correct copy of this spreadsheet is attached to this declaration as Exhibit D.

6.   Attached to this declaration as Exhibit E is a true and correct copy of a weekly back-end data report. This report is for work week 34 of 2005.

7.   Attached as Exhibit F to this declaration is the cover e-mail that constitutes part of the weekly back-end data report for work week 34 of 2005. The reports AMD produced for the period Q1 2005 through Q2 2008 have the same type of cover e-mails. Certain reports from the period before Q1 2005 also have similar cover e-mails.

8.   Attached as Exhibit G to this declaration is the excel data file that constitutes part of the weekly back-end data report for work week 34 of 2005. Similar data files are included in the weekly reports AMD produced for all work weeks from Q1 2002 through Q2 2008, with the exception of four work weeks in 2002 (ww 01, ww 27, ww 40, and ww 45), three work weeks in 2003 (ww 01, ww 33, and ww 34), three work weeks in 2004 (ww 13, ww 31, and ww 46), and two work weeks in 2005 (ww 14 and ww 15). AMD also produced data files for work weeks 20, 39-45, and 47-50 in 2001.

9.   Attached as exhibit H to this declaration is the Powerpoint data presentation that constitutes part of the weekly back-end data report for work week 34 of 2005. Similar presentations are included in nearly all of the weekly back end data reports that AMD produced for the period Q1 2000 through Q2 2008.

10.   Attached as Exhibit 1 to this declaration are true and correct copies of excerpts from an executive cost accounting package that AMD produced as part of its cost data production in this case. This excerpt is from the executive cost accounting package for the first quarter of 2005.

11.   Attached as Exhibit J to this declaration is a true and correct copy of an August 24, 2009 letter that 1 sent to Jay Srinivasan. On page 3 of the letter (beginning in the paragraph entitled "Fourth"), I address my understanding of the parties' discussion regarding Intel's back-end data requests of AMD and the back-end data production that AMD made in response to Intel's requests for back-end data.

     I declare under penalty of perjury that the foregoing is true and correct. Executed this 14th day of September, 2009 at Los Angeles, California.
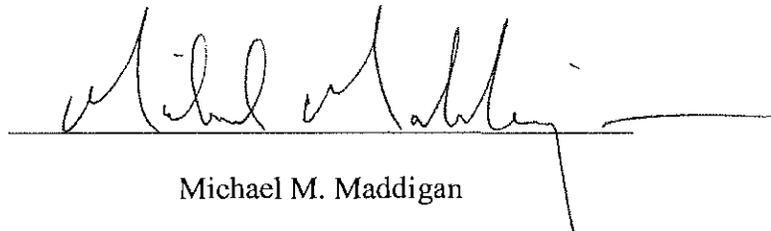
Michael M. Maddigan

CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2009, I electronically filed the foregoing document

with the Clerk of Court using CM/ECF and have sent by Hand Delivery and Electronic Mail to the

following:

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I hereby certify that on September 14, 2009, I have sent by Electronic Mail the foregoing

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EXHIBITS A TO J
REDACTED IN ENTIRETY