

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE	)	
INTEL CORP. MICROPROCESSOR	)	
ANTITRUST LITIGATION	)	MDL Docket No. 05-1717-JJF
_____	)	
ADVANCED MICRO DEVICES, INC., a	)	
Delaware corporation, and AMD	)	
INTERNATIONAL SALES & SERVICE LTD,	)	
a Delaware corporation,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 05-441-JJF
	)	
INTEL CORPORATION, a Delaware	)	REDACTED PUBLIC VERSION
corporation, and INTEL KABUSHIKI KAISHA,	)	
a Japanese corporation,	)	
	)	
Defendants.	)	

**DECLARATION OF JEFFREY J. FOWLER**

Of Counsel:  
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Dated: October 23, 2009

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

**DECLARATION OF JEFFREY J. FOWLER**

I, Jeffrey J. Fowler, declare and state as follows:

1. If called as a witness in this matter, I could and would testify competently to the following facts, all of which are within my own personal knowledge.

2. I am an attorney at O'Melveny & Myers LLP, and am one of the attorneys representing Advanced Micro Devices, Inc. ("AMD") in this matter. I make this declaration in support of AMD's Motion to Compel Further Fed. R. Civ. P. Rule 30(b)(6) Deposition Testimony, filed concurrently herewith.

3. On April 29, 2009, AMD served a Rule 30(b)(6) Deposition Notice and Request for Production of Documents upon Intel. (A true and correct copy of the notice is attached hereto as Exhibit A.)

4. On August 3, 2009, this Court issued an order directing Intel to produce witnesses on seven of AMD's 30(b)(6) topics. (A true and correct copy of this Court's August 3, 2009 order is attached hereto as Exhibit B.)

**Meet and Confer Efforts Leading Up to this Motion**

5. On October 14, 2009, I sent a letter to Intel counsel Thomas J. Dillickrath requesting that Intel meet and confer regarding 67 questions that Intel's Rule 30(b)(6) witnesses failed to answer at the depositions occurring on September 23, 29, and October 7, 2009. (A true and correct copy of my letter to Mr. Dillickrath (without enclosures) is

attached hereto as Exhibit C.)

6. Mr. Dillickrath replied on October 16, 2009, and offered to meet and confer by telephone the following Monday, October 19, 2009. AMD agreed. AMD also requested that Intel provide a written response in advance of a teleconference that outlined its position on AMD's 67 questions. (A true and correct copy of the email exchange between Mr. Dillickrath and me is attached as Exhibit D.)

7. Intel did not respond until the afternoon of October 19, 2009. Mr. Dillickrath notified me by email that Intel would provide a written response no later than the morning of October 20, 2009. (A true and correct copy of Mr. Dillickrath's email to me is attached as Exhibit E.)

8. In Intel's written response, it offered to answer Questions 4, 5, 6-10, 15, 18, 21-22, 34-41, 54-62, 64, and 67 from AMD's list of 67 questions in writing by amending its respective witnesses' deposition transcripts. (A true and correct copy of Intel's written response email is attached as Exhibit F.)

9. The parties held a telephonic meet and confer shortly after AMD received Intel's written response on October 20, 2009. During the meet and confer, Intel confirmed that it would not provide witnesses on any of the 67 questions -- whether or not Intel had made objections during the depositions. Intel also renewed its offer to provide answers to certain select questions in writing. AMD agreed to consider Intel's written responses once it received them, but noted that it deserved reasonable follow-up

on each of the questions. During the meet and confer teleconference, both sides acknowledged that they were at impasse.

**Other Documents Relevant to this Motion**

10. Attached as Exhibit G is a true and correct copy of excerpts from Exhibit A1 to Intel's April 24, 2009 Motion to Compel Further Deposition Responses.

11. Attached as Exhibit H is a true and correct copy of Exhibit A to Intel's May 26, 2009 Reply in Support of its Motion to Compel Further Deposition Responses ("Intel's Motion to Compel Chart").

12. Attached as Exhibit I is a true and correct copy of excerpts from the hearing transcript for the July 20, 2009 hearing on the scope of AMD's present Rule 30(b)(6) deposition notice.

13. Attached as Exhibit J is a true and correct copy of excerpts from the hearing transcript for the June 15, 2009 hearing on Intel's Motion to Compel additional 30(b)(6) deposition testimony.

14. Attached as Exhibit K is a true and correct copy of this Court's June 22, 2009 granting in part and denying in part Intel's April 24, 2009 Motion to Compel.

15. Attached as Exhibit L is a true and correct copy of AMD's June 12, 2009

Motion to Compel.

16. Attached as Exhibit M is a true and correct copy of Intel's May 26, 2009 Reply in Support of its Motion to Compel Further Deposition Responses ("Reply to Intel Motion to Compel").

17. Attached as Exhibit N is a true and correct copy of the deposition of REDACTED  
REDACTED

18. Attached as Exhibit O is a true and correct copy of the deposition of REDACTED  
REDACTED

19. Attached as Exhibit P is a true and correct copy of the deposition of REDACTED  
REDACTED

20. Attached as Exhibit Q is a true and correct copy of excerpts from the  
deposition of REDACTED

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 23, 2009

  
\_\_\_\_\_  
Jeffrey J. Fowler

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by electronic mail to the following:

Richard L. Horwitz, Esquire  
Potter Anderson & Corroon, LLP  
1313 North Market Street  
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I hereby certify that on October 23, 2009, I have sent by electronic mail the foregoing document to the following non-registered participants:

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/s/ Frederick L. Cottrell, III  
Frederick L. Cottrell, III (#2555)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on October 30, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by electronic mail to the following:

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