

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ADVANCED MICRO )  
 DEVICES, INC., a )  
 Delaware )  
 corporation, and AMD ) Civil Action No.  
 INTERNATIONAL SALES ) 05-441- JJF  
 & SERVICE, LTD., a )  
 Delaware )  
 corporation, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 INTEL CORPORATION, a )  
 Delaware )  
 corporation, and )  
 INTEL KABUSHIKI )  
 KAISHA, a Japanese )  
 corporation, )  
 Defendants. )

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IN RE: )  
 INTEL CORP. )  
 MICROPROCESSOR )  
 ANTITRUST LITIGATION ) Civil Action No.  
 PHIL PAUL, on behalf ) 05-MD-1717-JJF  
 of himself and all )  
 others similarly ) Civil Action  
 situated, ) No. 05-485-JJF  
 )  
 Plaintiffs, ) CONSOLIDATED ACTION  
 )  
 v. )  
 )  
 INTEL CORPORATION, )  
 )  
 Defendant. )

Reporter: ELLEN CORBETT HANNUM, RMR, CMRS, CLR

Teleconference

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6 A teleconference was taken pursuant to notice  
7 before Ellen Corbett Hannum, Registered Merit Reporter,  
8 in the law offices of Blank Rome, LLP, 1201 N. Market  
9 Street, Suite 800, Wilmington, Delaware, on Thursday,  
10 March 15, 2007, beginning at approximately 11:00 a.m.,  
11 there being present:

10 BEFORE: HONORABLE VINCENT J. POPPITI, JR.

11 APPEARANCES:

12 RICHARDS, LAYTON & FINGER, P.A.  
13 BY: CHAD M. SHANDLER, ESQ.

14 Attorneys for Advanced Micro  
15 Devices, Inc. and AMD International  
16 Sales & Service, Ltd.

17 POTTER ANDERSON & CORROON  
18 BY: RICHARD L. HORWITZ, ESQ.  
19 and

20 HOWREY LLP  
21 BY: DARREN B. BERNHARD, ESQ.  
22 (Washington, D.C.)  
23 (Continued next page)

24 and  
25 BRINGHAM McCUTCHEN LLP  
26 BY: RICHARD A. RIPLEY, ESQ.  
27 and

28 GIBSON, DUNN & CRUTCHER LLP  
29 BY: ROBERT COOPER, ESQ.  
30 BY: DANIEL FLOYD, ESQ.

31 Attorneys for Intel Corporation  
32 and Intel Kabushiki Kaisha

1 APPEARANCES (CONTINUED):

2

PRICKETT, JONES & ELLIOTT, P.A.  
3 BY: JAMES L. HOLZMAN, ESQ.

4

Interim Liaison Counsel and  
Attorneys for Phil Paul, on behalf  
5 of himself and all others similarly  
6 situated

6

COHEN, MILSTEIN, HAUSFELD & TOLL,  
7 P.L.L.C.

7

BY: DANIEL A. SMALL, ESQ.  
8 (Washington, D.C.)

8

BY: BRENT W. LANDAU, ESQ.  
9 (Philadelphia, Pennsylvania)

9

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Attorneys for the Class  
11 Plaintiffs

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THE SPECIAL MASTER: Counsel, if

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everyone is on, then let's please go and do a roll call.

16

MR. HOLZMAN: Your Honor, Jim Holzman,

17

Prickett, Jones & Elliott, for the Class Plaintiffs.

18

MR. SMALL: Daniel Small, Cohen,

19

Milstein, for the Class Plaintiffs.

20

MR. LANDAU: Brent Landau, Cohen,

21

Milstein, for the Class Plaintiffs.

22

MR. SHANDLER: Your Honor, Chad Shandler

23

for AMD, in Wilmington.

24

THE SPECIAL MASTER: Thank you.

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1 MS. SMITH: Linda Smith for AMD, and I'm  
2 joined by Jennifer Laser and Chris Rossfeld.

3 THE SPECIAL MASTER: Thank you.

4 MR. HORWITZ: Your Honor, Rich Horwitz  
5 in Wilmington for Intel.

6 THE SPECIAL MASTER: Thank you.

7 MR. FLOYD: Daniel Floyd of Gibson Dunn  
8 for Intel.

9 THE SPECIAL MASTER: Thanks.

10 MR. BERNHARD: Darren Bernhard from  
11 Howrey for Intel.

12 THE SPECIAL MASTER: Thanks.

13 MR. RIPLEY: Richard Ripley, Bringham  
14 McCutchen for Intel.

15 THE SPECIAL MASTER: Thank you. Good  
16 morning, all. This is our regularly scheduled status  
17 conference. And I hope I didn't miss any mail or  
18 submittal from anyone, I don't believe that I was  
19 provided with any specific agenda. Is that correct?

20 MR. HOLZMAN: Your Honor, that's  
21 correct. I had sent Your Honor and other counsel an  
22 e-mail indicating the subject matter as we understood it  
23 for the conference today. Mr. Small, with the Court's  
24 leave, is prepared to report on the status, the

1 third-party discovery status.

2 THE SPECIAL MASTER: Yes.

3 MR. HORWITZ: Your Honor, before we get  
4 started, if I could get some clarification. You said  
5 that it was a regularly scheduled call. I had on my  
6 calendar when we started this, I put one in for every  
7 other week and this is actually off calendar. So going  
8 forward I would like to have an understanding about  
9 whether it's two weeks today going forward or --

10 THE SPECIAL MASTER: Rich, just hold on  
11 a second. I think that the whole call is on an echo  
12 chamber. I'm afraid we are all going to have to redial  
13 in.

14 (Discussion off the record.)

15 MR. COOPER: Cooper is on. I got hung  
16 up in traffic, sorry.

17 THE SPECIAL MASTER: We had to reconvene  
18 because of trouble with the telecon.

19 Anyone else, please?

20 (No response.)

21 Mr. Horwitz, I think you were asking a  
22 question and I was looking at my calendar, it was on  
23 today, and as I am sitting here in a conference room I  
24 don't know whether that was a function of it being on the

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1 calendar because it was routine, that's why I referenced  
2 routine, or whether it was placed on in light of Jim  
3 Holzman's mail from yesterday.

4 MR. HORWITZ: Right. And I think the  
5 routine ones were actually set for last week and next  
6 week, because when we started the whole process, I just  
7 put it on my calendar and it said how often and I said  
8 every other week. So that we are all on the same page  
9 going forward, perhaps after this call if you can check  
10 your calendar and then just send an e-mail to local  
11 counsel, we will let people know when we should expect  
12 the regular calls.

13 THE SPECIAL MASTER: You know what, I'm  
14 looking ahead on my calendar and I do see one scheduled  
15 for the 22nd. Would that be correct?

16 MR. HORWITZ: Yes.

17 THE SPECIAL MASTER: And then after  
18 that, the next one is the 5th.

19 MR. HORWITZ: Okay.

20 THE SPECIAL MASTER: That may be what  
21 happened.

22 MR. HORWITZ: I think that confirms what  
23 I thought, that this one was probably set today based on  
24 some comments that were made the last time we were all

1 together talking about third-party discovery.

2 THE SPECIAL MASTER: I think that's  
3 correct.

4 MR. SMALL: Your Honor, this is Dan  
5 Small. My recollection is that we were last together on  
6 February 22nd talking about third-party data production  
7 and, Your Honor, in an order had set March 14th,  
8 yesterday, as the target date for production by third  
9 parties of their data. And we, therefore, set this  
10 conference to give a new report based on that March 14th  
11 deadline.

12 THE SPECIAL MASTER: Okay.

13 MR. SMALL: If Your Honor is ready, I  
14 could give you that report.

15 THE SPECIAL MASTER: Yes, please. If  
16 you would.

17 MR. SMALL: Sure. We have made progress  
18 since February 22nd. We now have received production of  
19 a full data set from three of the third parties. We  
20 received production of a sample data set from four  
21 additional third parties. The majority of the rest of  
22 the third parties are in what I would call advanced  
23 stages of negotiation, but there are still a handful out  
24 there where the negotiations have not progressed as far

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1 as we would like. And, unfortunately, there is a very  
2 small handful of third parties where we are either  
3 heading toward impasse or in the case of one where we are  
4 very, very close to impasse.

5 THE SPECIAL MASTER: Okay.

6 MR. SMALL: So what we foresee, Your  
7 Honor, is to that one-third party probably the need  
8 within the next several days to file a motion with Your  
9 Honor to compel. We'll have a better sense in the next  
10 couple of days of exactly what the scope of that motion  
11 will be. It may just be a request for the Court to set a  
12 deadline by which this third party must produce data  
13 because we haven't, unfortunately, been able to even  
14 progress to the point where we can discuss the details of  
15 the scope of the production, but we feel that if this  
16 third party is made to understand that it does have to  
17 produce data in the case by a certain date that that can  
18 get things moving where we can have productive  
19 discussions about the details.

20 Now, we are hopeful that there won't be  
21 an impasse with any other third party, if there is, I  
22 think it will be a very, very limited set. I think the  
23 bigger issue going forward is going to be whether those  
24 that have been cooperating with us will make enough



1 progress quickly enough that we can keep the class  
2 certification schedule that we recently submitted to the  
3 Court, which itself is a -- puts back the schedule for  
4 briefing class certification a couple of months.

5                   So we do have a little bit more time  
6 than we had before, but somewhere in the next few weeks  
7 we are going to reach the point where if we can't get  
8 production imminently from the third parties, we may have  
9 to come back as to some of them and say we need to get  
10 the Court's assistance, not because they won't cooperate  
11 but because they are not moving quickly enough for us to  
12 keep the class certification schedule.

13                   THE SPECIAL MASTER: Okay.

14                   MR. SMALL: And I would say on that last  
15 point, I think Intel and the Class Plaintiffs -- well,  
16 mostly Intel and the Class Plaintiffs have a common  
17 objective of getting production of the third-party data  
18 in a reasonable time frame for class certification  
19 purposes, so hopefully we can work together on that  
20 point.

21                   THE SPECIAL MASTER: All right.

22                   MR. SMALL: And unless Your Honor has  
23 any questions, that's my report.

24                   THE SPECIAL MASTER: Any questions or

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1 comments before I ask a question, please?

2 (No response.)

3 Okay. The only thing I want to make  
4 sure of, and I believe it was done at the front end, to  
5 the extent that there will be any motion filed, let's  
6 just make sure that the third parties understand the  
7 process. I believe as part of your ramp-up with the  
8 third parties you did, because I asked you to, to provide  
9 Ra copy of special master procedures to them. Correct?

10 MS. SMITH: Your Honor, this is Linda  
11 Smith. Yes, we did.

12 THE SPECIAL MASTER: Okay. I want to  
13 make sure of that so we are all operating on the same  
14 page.

15 I would hope that as we go forward, if  
16 there are applications with respect to third parties, I  
17 would hope that each of them, I will be able to deal with  
18 those during the course of a teleconference with an  
19 order, one way or the other, coming from the  
20 teleconference. I'm hoping that it would be more  
21 efficient that way rather than taking them under  
22 advisement and standing in queue with either matters  
23 pending in Intel or matters pending in other cases.

24 Does that make sense to everyone?

1 MR. SMALL: Yes, Your Honor. This is  
2 Dan Small for the Class Plaintiffs. I think Your Honor  
3 will have a better sense, once we file the papers, what  
4 the nature of the issues are.

5 THE SPECIAL MASTER: Certainly.

6 MR. SMALL: But as I understand them,  
7 many of the issues will be rather straightforward.

8 THE SPECIAL MASTER: Okay. Then  
9 hopefully we can proceed in that fashion.

10 Are there any other matters then,  
11 please, for status today?

12 MR. HOLZMAN: Your Honor, this is Jim  
13 Holzman. Just a question. It may be that you were  
14 crystal clear, just so I understand, our next conference  
15 is going to be the 22nd.

16 THE SPECIAL MASTER: Our next conference  
17 is scheduled for the 22nd, that's correct.

18 MR. HOLZMAN: And we will then go on a  
19 two-week rotation thereafter.

20 THE SPECIAL MASTER: That's correct.  
21 The 22nd and then the next one on my calendar is the 5th  
22 and the 19th, et cetera.

23 MS. SMITH: And this is Linda Smith.  
24 There are two exceptions to this like there is for

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1 everything else. One is that if the parties, all three  
2 of us agree there is no need, in which case we advise the  
3 Special Master.

4 THE SPECIAL MASTER: Correct.

5 MS. SMITH: And then on the other hand  
6 we decide we need a conference that isn't regularly  
7 scheduled, we also try to advise the Special Master. So  
8 the every two-week process is a guideline to assure that  
9 we have that time, but it doesn't preclude others.

10 THE SPECIAL MASTER: That's correct.

11 MS. SMITH: Thank you, Your Honor.

12 THE SPECIAL MASTER: Okay. Just one  
13 moment.

14 (Discussion off the record.)

15 THE SPECIAL MASTER: All right, counsel.  
16 Thank you very much. If there is nothing else, I look  
17 forward to talking to you next time or sooner if  
18 necessary.

19 MR. HOLZMAN: Thank you, Your Honor.

20 MR. HORWITZ: Thank you, Your Honor.

21 MS. SMITH: Thank you, Your Honor.

22 (The teleconference concluded at 11:20 p.m.)

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C E R T I F I C A T E

STATE OF DELAWARE:

NEW CASTLE COUNTY:

I, Ellen Corbett Hannum, a Notary Public within and for the County and State aforesaid, do hereby certify that the foregoing teleconference was taken before me, pursuant to notice, at the time and place indicated; that the statements of said participants were correctly recorded in machine shorthand by me and thereafter transcribed under my supervision with computer-aided transcription; that the transcript is a true record of the statements made by participants; and that I am neither of counsel nor kin to any party in said action, nor interested in the outcome thereof.

WITNESS my hand and official seal this 15th day of March A.D. 2007.

*Ellen Corbett Hannum*

Ellen Corbett Hannum, RMR, CMR  
Notary Public - Reporter  
Delaware Certified Shorthand Reporter  
Certification No. 118-RPR

