

Sidney Balick

Adam Balick

Joanne Ceballos

James Dmiec

December 2, 2008

**BY ELECTRONIC MAIL**

The Honorable Vincent J. Poppiti  
Special Master  
Blank Rome LLP  
Chase Manhattan Centre, Suite 800  
1201 North Market Street  
Wilmington, DE 19801-4226

**Re: *In re Intel Corporation Microprocessor Antitrust Litigation***

Dear Judge Poppiti:

We wanted to advise you of the following developments in the Western District of Texas with respect to Dell's Motion to Quash, or Alternatively, for a Protective Order.

Judge Sparks of the Western District of Texas has ordered a hearing for this Friday, December 5, 2008, on the Motion to Quash. (*See* attached Order.) Based on a conversation between Judge Sparks' clerk and AMD's counsel in Texas, we understand that Judge Sparks was unaware of the MDL proceeding at the time that he scheduled the hearing. On behalf of AMD, we asked counsel for Dell to file a joint motion to stay the hearing in the Western District of Texas pending Judge Farnan's ruling on Your Honor's Report and Recommendation on the MDL Court's jurisdiction to resolve the merits of this dispute. The Dell Witnesses have refused to agree to a stay. Accordingly, AMD intends to file a motion to stay in the Western District of Texas tomorrow, which hopefully will be heard at the December 5, 2008 hearing. Because Dell's motion assumes that the Western District of Texas has jurisdiction of this dispute and addresses the merits of that dispute regarding whether these depositions should proceed at all and, if so, their duration, AMD will be forced to address the merits issues in its briefing. Judge Sparks may well decide inconsistently with the MDL Court on jurisdiction and does not have the MDL Court's three years of expertise in the law and the facts of this case to make an appropriate determination of the importance of the testimony of the Dell Witnesses.

We should also note that Dell's refusal to stay the Texas proceedings is contrary to what Dell's counsel stated to Your Honor on November 25, 2008: "I can assure you there will be no hearing in Texas prior to [December 8, 2008]." (*See* attached at 15:17-20.) Dell's counsel also stated at that time that it would "alert" this Court if a hearing on the Motion to Quash was set in Texas. (*Id.* at 15:12-13.)

Honorable Vincent J. Poppiti

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Respectfully,

A handwritten signature in black ink, appearing to read "Adam Balick". The signature is fluid and cursive, with a long horizontal stroke at the end.

Adam Balick  
(Bar ID#2718)

cc: Clerk of the Court  
Richard L. Horwitz, Esq.  
James L. Holzman, Esq.  
Thomas R. Jackson, Esq.  
Michael D. Mann, Esq.  
Lauren E. Maguire, Esq.  
The Honorable Joseph J. Farman, Jr.