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January 6, 2009

**VIA ELECTRONIC FILING
AND HAND DELIVERY**

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

**REDACTED
PUBLIC VERSION**

**Re: *Advanced Micro Devices, Inc., et al. v. Intel Corporation, et al.,*
C.A. 05-441-JJF; MDL No. 05-1717-JJF**

Dear Special Master Poppiti:

In anticipation of the regular Thursday call this week, we write to apprise you of an issue regarding interpreted depositions we have attempted to resolve with Intel to no avail. AMD has begun noticing and taking depositions of Intel and third-party witnesses who have requested an interpreter. These include Intel witnesses who, though apparently fluent enough in English to read and write email in English and to prepare for their depositions with English-speaking counsel without an interpreter present, are nonetheless insisting that AMD enlist the services of an interpreter for their depositions. AMD has provided notice of several foreign depositions, including a number of Japanese witnesses, and expects the number of depositions where an interpreter may be requested to be rather substantial over the next few months.

Because interpreted depositions inherently take longer than English-only depositions, typically at least double the time, AMD believes a different rule should apply to the calculation of expended time for depositions that proceed through a translator. AMD has proposed that as a matter of convenience the parties agree to count against their respective deposition hours allotments in CMO 6 only 40% of the time spent deposing witnesses where a translator is used. (Ex. A, pp. 4-5 [Ltr. from B. Barmann to S. Pirnazar, 12/5/08].) Intel has rejected this proposal (Ex. B [Ltr. from S. Pirnazar to B. Barmann, 12/30/08].)

Discounting the hours used in translated depositions makes sense for at least two reasons.

First, common sense, as well as experience in this case and other cases, teaches that a translated deposition takes much longer than depositions taken without a translator - at least twice as long. Two pairs of depositions taken by two AMD lawyers in this case illustrate this. The first pair: On September 18 and 19, 2008, AMD counsel James Pearl deposed Intel witness

Ian Yang, without an interpreter, and on December 16 and 17 deposed Intel witness Ligang Lu, who had insisted on an interpreter. The first session of Mr. Yang's deposition took four hours thirty-eight minutes and produced 183 pages of testimony, or 39.50 pages per hour. The second session took six hours fifty-three minutes and produced 242 pages of testimony, or 35.16 pages per hour. By contrast, the first session of the Lu deposition consumed four hours thirty minutes and produced only eighty-two pages of testimony (18.22 pages per hour), and the second session consumed two hours thirty-one minutes and produced only 54 pages (21.45 pages per hour).

The second pair: On November 3, 4 and 5, 2008, AMD counsel Michael Maddigan took the depositions of two Supermicro witnesses, Robbie Abreu and Alex Hsu. The Abreu deposition proceeded in English, and an interpreter was used for the Hsu deposition. On November 3, the Abreu examination consumed five hours forty minutes of examination time, and produced 259 transcript pages, or 43.94 transcript pages per hour. On November 4, the morning examination of Abreu consumed two hours twenty-five minutes and produced ninety-six transcript pages, or 39.72 pages per hour. The November 4 afternoon examination of Hsu consumed three hours and two minutes, but produced only sixty-five pages, or 21.43 pages per hour. Hsu's November 5 session consumed four hours forty-six minutes and produced eighty-five pages, or only 17.83 pages per hour.

Second, it is unfair to charge AMD with the time spent using an interpreter requested by Intel when in fact none is needed. As the Ligang Lu deposition conclusively demonstrates, Intel's witnesses requesting an interpreter do not necessarily need an interpreter. Mr. Lu did not need one. He has worked on Intel's Lenovo Account Team in China since 2001, and has a strong command of the English language. He admitted in his deposition that

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Documents produced by Intel, including Lu's own writings in English, demonstrate that

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To this point, AMD has not made an issue of Intel's requests for interpreters on the assumption that Intel would be reasonable in terms of both the circumstances when Intel will request an interpreter and in counting deposition hours. Instead, however, Intel apparently wants AMD to not only bear the cost of hiring interpreters where the need for them is dubious, but also to have the time consumed by the interpreters counted against AMD's deposition hours limit. This seems unfair and an invitation to mischief.

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AMD respectfully submits that because interpreted depositions typically at least double the examination time, and because it is unfair to charge the party taking a deposition with the time consumed by an interpreter especially when the need for one is debatable, only 40% of the time spent in interpreted depositions should be counted against the parties' deposition hours limits.

Respectfully,

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III (#2555)

FLC/III
Enclosures

cc: Clerk of the Court
Richard L. Horwitz, Esquire (w/e) (By Hand and Electronic Mail)
James L. Holzman, Esquire (w/e) (By Hand and Electronic Mail)

EXHIBIT A



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December 5, 2008

VIA E-MAIL AND U.S. MAIL

Sogol K. Pirnazar, Esq.
Gibson Dunn & Crutcher
333 South Grand Avenue
Los Angeles, California 90071

Re: AMD v. Intel

Dear Sogol:

Consistent with our agreed-upon protocols regarding deposition logistics, I am providing notice of the Intel and third party depositions that AMD and the Class intend to take in January. These are in addition to the Intel and third party witness depositions already noticed and/or confirmed for January and February. Additionally, I am providing notice of certain Intel depositions that we intend to take in February and March to give Intel ample time to make arrangements to make the witnesses available during the weeks requested.

A. Intel Witnesses

1. Individuals

AMD and the Class intend to take the depositions of Andy Grove, John Wong, Louis Burns, Hiroki Ohinata, William Eric Mentzer, Tammy Cyphert, Ernst Kunerth, Shuichi Kako, Takehiro Yoshii, and Babak Sabi in January, Erik Steeb, Eric Kim, Patrick Bliemer, Abhi Talwalkar, Terence Finley, Sophia Chew, Robert Adano, Jeff McCrea, Greg O'Keefe, David Stitzenberg, and Jean-Marc Dubreuil in February, and Pat Gelsinger and Jason Chen in March.

a. January Depositions

- We would like to take Mr. Grove's deposition on January 12, 2009. We estimate the examination will take approximately seven hours.
- We would like to take Mr. Wong's deposition beginning on January 13, 2009. We estimate the examination will take approximately fourteen hours.

- We would like to take Mr. Burns's deposition beginning on January 19, 2009. We estimate the examination will take approximately twenty-one hours.
- We would like to take Mr. Ohinata's deposition beginning on January 21, 2009. We estimate the examination will take approximately fourteen hours.
- We would like to take Mr. Mentzer's deposition on January 22 or 23, 2009. We estimate the examination will take approximately seven hours.
- We would like to take Ms. Cyphert's deposition beginning on January 26, 2009. We estimate the examination will take approximately seven hours.
- We would like to take Mr. Kunerth's deposition beginning on January 26, 2009. We estimate the examination will take approximately seven hours.
- We would like to take Mr. Kako's deposition beginning on January 27, 2009. We estimate the examination will take approximately fourteen hours.
- We would like to take Mr. Yoshii's deposition beginning on January 29, 2009. We estimate the examination will take approximately fourteen hours.
- We would like to take Mr. Sabi's deposition on either January 29 or 30, 2009. We estimate the examination will take approximately seven hours.

b. February Depositions

- We would like to take Mr. Steeb's deposition beginning on February 2, 2009. We estimate the examination will take approximately twelve hours.
- We would like to take Mr. Kim's deposition beginning on February 2, 2009. We estimate the examination will take approximately twenty-one hours.
- We would like to take Mr. Bliemer's deposition during the week of February 2, 2009. We estimate the examination will take approximately nine hours.
- We would like to take Mr. Talwalkar's deposition beginning on February 16, 2009. We estimate the examination will take approximately twenty-one hours.
- We would like to take Mr. Finley's deposition beginning on February 23, 2009. We estimate the examination will take approximately eight hours.
- We would like to take Ms. Chew's deposition beginning on February 23, 2009. We estimate the examination will take approximately ten hours.

- We would like to take Mr. Adano's deposition beginning on February 23, 2009. We estimate the examination will take approximately 14 hours.
- We would like to take Mr. McCrea's deposition beginning on February 23, 2009. We estimate the examination will take approximately twenty-eight hours.
- We would like to take Mr. O'Keefe's deposition beginning on February 24, 2009. We estimate the examination will take approximately nine hours.
- We would like to take Mr. Stitzenberg's deposition during the week of February 23, 2009. We estimate the examination will take approximately seventeen hours.
- We would like to take Mr. Dubreuil's deposition on February 26, 2009. We estimate the examination will take approximately seven hours.

In addition, as I notified you by email today, we would like to take the deposition of Navin Shenoy during the week of February 9, 2009. As you know, we previously had requested Mr. Shenoy's deposition during the week of January 19. We estimate the examination will take approximately twenty-one hours.

c. March Depositions

- We would like to take Mr. Gelsinger's deposition during the week of March 2, 2009. We estimate the examination will take approximately twenty-eight hours.
- We would like to take Mr. Chen's deposition during the week of March 9, 2009. We estimate the examination will take approximately twenty-eight hours.

2. 30(b)(6) Deposition

AMD and the Class intend to take a 30(b)(6) deposition of Intel in January regarding pricing and data related issues. We will provide more specifics regarding the particular topics next week. We would like to conduct the examination on January 30, 2009; we estimate the examination will take approximately seven hours.

I assume that you will accept service of a subpoena for any of the foregoing deponents if any subpoena is required, but please let me know immediately if that is mistaken.

Please confirm the dates and appropriate locations for these depositions as soon as possible. Please bear in mind that the above estimates are good-faith estimates of the time we anticipate the examinations will require, but the actual time needed for the examinations may be greater, and the depositions will continue from day to day until completed. Thus, when providing dates for these depositions, please make sure you provide start dates on which the witnesses will be available the following day. Also, if the dates we propose are not acceptable, rather than proposing a single alternate date, please propose several alternate date ranges that work for Intel and the witness.

B. Third Party Witnesses

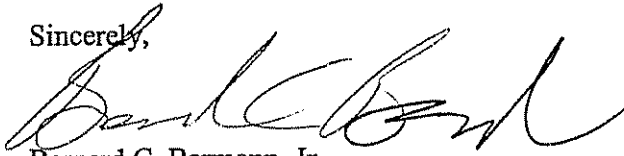
We intend to take the depositions of the following third party witnesses in January; estimates of the length of our examination of each are in parentheses:

- Tau Leng of Supermicro (seven hours);
- Louis Kim of HP (ten hours);
- John Romano of HP (seven hours);
- Bruce Paterson of ASI (six hours);
- Michael Adkins of MPC (three hours);
- Todd Ford of Rackable (seven hours);
- Pat Cathey of Avnet (seven hours);
- Bret Stouder of Atipa (three hours);
- Daniel Kim and Maria McLaughlin of Appro (three hours each);
- Saveed Shahbazi of Averatec (three hours).

C. Translated Depositions

We expect to begin noticing foreign depositions for February. In that regard, we think a different rule should apply to the calculation of expended time for depositions that proceed through a translator. In our experience, borne out by the deposition of Ian Yang in Hong Kong, the use of an interpreter typically at least doubles the length of a deposition; if exhibits need to be translated (or just read silently by a non-English speaker), the length can triple. For this reason, we would propose as a matter of convenience that we agree to count against our respective

allotments of deposition hours only 40% of the time we spend deposing foreign-speaking witnesses where translation is required. Please let us know if you disagree.

Sincerely,

Bernard C. Barmann, Jr.
for O'MELVENY & MYERS LLP

cc: Daniel S. Floyd, Esq.
Mindy G. Davis, Esq.
Steve Fimmel, Esq.

EXHIBIT B

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December 30, 2008

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400 South Hope Street
Los Angeles, California 90071-2899

Re: *AMD v. Intel – Counting Examination Hours in Translated Depositions*

Dear Bernie:

In your December 5, 2009 letter you proposed that the parties agree to count only 40% of the actual examination time spent on the record in translated depositions against the total hours allocated to each party for its depositions in the case. Intel does not agree to this proposal. All of the hours that each party uses in actual examination should be counted, whether the deposition is translated or not.

At the outset, I note that the example of Ian Yang's deposition – upon which you base your proposal – makes no sense because that entire deposition was conducted in English. In any event, we do not expect that many witnesses will require translation. Thus far only one Intel witness has required translation and we expect that three more Intel witnesses noticed for deposition through February will require translation. Further, any translation slow downs (which are not nearly as significant as you suggest) will affect the parties in the same manner. Thus, each noticing party should make its own decisions about the most efficient allocation of its total deposition hours. Intel will not create a disincentive for witnesses using translators if they need to do so to provide accurate testimony. The parties have known, from the very outset of this case, that some witnesses may require translation.

Please let me know if you want to discuss this further.

Very truly yours,


Sogol K. Pirnazar

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cc: Daniel S. Floyd, Esq.
Darren B. Bernhard, Esq.

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EXHIBITS C - G

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