

Frederick L. Cottrell, III
Director
302-651-7509
Cottrell@rlf.com

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VIA ELECTRONIC MAIL & HAND DELIVERY

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

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

Dear Judge Poppiti:

We write to advise Your Honor of a potential issue that may affect the deposition hours limitation and the overall deposition schedule. AMD seeks no relief regarding this issue at this time, but we want Your Honor to be aware of the issue now, in case it becomes necessary for AMD to seek relief in the future.

As Your Honor knows, Intel and AMD have produced (and are still in the process of producing) substantial quantities of electronic data, including data related to, among other things, their sales, rebates, and costs. Intel and AMD also negotiated for and received substantial productions of purchase, sales, and rebate data from third parties.

AMD has been attempting to negotiate stipulations with Intel regarding the authenticity of this party and third party data and its use later in the case. Intel so far has refused to stipulate, however, that data produced by third parties is authentic or meets the business records requirements -- despite the fact that the third party data came directly from databases maintained in the ordinary course of business, practically the paradigmatic example of a business record. The parties are still negotiating on these points, but agreement now appears unlikely.

If the parties are unable to reach agreement, then AMD will be forced to undertake a substantial amount of additional, unnecessary, and time-consuming work to authenticate huge volumes of data, a task typically mooted by joint agreement of the parties in Delaware District

Court cases.¹ Specifically, AMD will be forced to undertake meet and confers with each producing third party in order to attempt to obtain declarations that will establish the admissibility of the data. If AMD is unable to obtain those declarations, then AMD may be forced to take focused depositions of those third parties in order to obtain information to support the admission of the data at trial.

AMD believes these additional depositions are unnecessary and that the parties should be able to stipulate that the data produced by both parties and third parties is authentic and satisfies the business records requirements. If Intel is unwilling to do so, however, and AMD is forced to take these depositions, then AMD may need to seek either more deposition hours or more time, beyond May 1, in which to take them. As we noted earlier, AMD is not making any such request now, but we wanted to advise Your Honor promptly of the possibility that, due to Intel's unwillingness to enter into what AMD believes is a straightforward stipulation regarding this data, such a request may become necessary.

Respectfully,

/s/ Frederick L. Cottrell, III

Frederick L. Cottrell, III

FLC,III/afg

cc: Clerk of the Court (via electronic filing)
Richard L. Horwitz, Esq. (via electronic filing)
James L. Holzman, Esq. (via electronic filing)

¹ AMD recognizes the parties reserve their rights to assert relevance or other common objections to documents. It simply wishes to reach agreement on the mundane issues of authenticity and business records.