

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

IN RE  
INTEL CORPORATION  
MICROPROCESSOR ANTITRUST  
LITIGATION,

MDL No. 1717-JJF

ADVANCED MICRO DEVICES, INC., a  
Delaware corporation, and AMD  
INTERNATIONAL SALES &  
SERVICES, LTD., a Delaware  
corporation,

Plaintiffs,

v.

C.A. No. 05-441-JJF

INTEL CORPORATION, a Delaware  
corporation, and INTEL KABUSHIKI  
KAISHA, a Japanese corporation,

Defendants.

PHIL PAUL, on behalf of himself and all  
others similarly situated,

Plaintiffs,

v.

C.A. No. 05-485-JJF

CONSOLIDATED ACTION

REDACTED  
PUBLIC VERSION

INTEL CORPORATION,

Defendants.

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE  
PURSUANT TO THE HAGUE CONVENTION OF  
18 MARCH 1970 ON THE TAKING OF EVIDENCE  
IN CIVIL OR COMMERCIAL MATTERS**

The United States District Court  
District of Delaware  
J. Caleb Boggs Federal Building  
844 N. King Street  
Wilmington, Delaware 19801  
U.S.A.

to

Ministry Of Foreign Affairs  
D.G.I.E.P.M. Office IV  
Piazzale della Farnesina, 1  
00194 ROMA, Italy.

In conformity with Article 3 of the Convention, the undersigned applicant has the honor to submit the following request:

The United States District Court for the District of Delaware presents its compliments to the competent judicial authority in Italy, and requests its assistance in the following matter:

1. The parties to a certain civil action pending in the United States District Court for the District of Delaware are as follows:

(a) The plaintiffs (petitioners) are:

Advanced Micro Devices, Inc., a Delaware corporation, and  
AMD International Sales & Service, Ltd., a Delaware corporation  
One AMD Place  
Sunnyvale, California 94088-3453  
U.S.A.

(Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. are collectively referred to here as "AMD.")

Represented by:

Frederick L. Cottrell, III  
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Richards, Layton & Finger, P.A.  
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U.S.A.

Of counsel:

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U.S.A.

Mark A. Samuels  
O'Melveny & Myers LLP  
400 South Hope Street  
Los Angeles, California 90071  
U.S.A.

(b) The defendants (respondents) are

Intel Corporation, a Delaware corporation

2200 Mission College Blvd  
Santa Clara, California 95054  
U.S.A.

Intel Kabushiki Kaisha, a Japanese corporation,

P. O. Box 115  
Tokodai, Tsukuba  
300-2635 Ibaraki  
Japan

(Intel Corporation and Intel Kabushiki Kaisha are collectively referred to here as "Intel.")

Represented by:

Richard L. Horwitz  
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Of counsel:

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Gibson, Dunn & Crutcher LLP  
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Washington, D. C. 20036  
U.S.A.

2. AMD alleges that Intel has engaged in anticompetitive conduct throughout the world. AMD alleges that such anticompetitive conduct includes:

- forcing major customers into exclusive or near-exclusive deals;
- conditioning rebates, allowances and market development funding on customers' agreement to severely limit or forego entirely purchases from AMD;
- establishing discriminatory rebates triggered by purchases at such high levels as to have the practical and intended effect of denying customers the freedom to purchase any significant volume of products from AMD;
- threatening retaliation against customers introducing AMD's computer platforms, particularly in strategic market segments;
- establishing and enforcing quotas among key retailers effectively requiring them to stock overwhelmingly, if not exclusively, Intel-powered computers, thereby artificially limiting consumer choice;
- forcing PC makers and technology partners to boycott AMD's product launches and promotions; and
- abusing its market power by forcing on the industry technical standards and products which have as their central purpose the handicapping of AMD in the marketplace.

3. On July 26, 2007, the European Commission sent a Statement of Objections to Intel, charging that Intel had infringed rules under Article 82 of the EC Treaty prohibiting abuse of a dominant market position. Specifically, the Statement of Objections charged that, in its dealings with multiple original equipment manufacturers ("OEMs"), Intel had engaged in an anti-competitive strategy designed to exclude AMD from the x86 CPU market. The issuance of this Statement of Objections was announced in a press release dated July 27, 2007. ("Competition: Commission confirms sending of Statement of Objections to Intel," July 27, 2007, available at <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/07/314&format=HTML&aged=1&language=EN&guiLanguage=en>.)

Intel has produced a copy of the Statement of Objections to AMD in this civil action.

**REDACTED**

AMD in good faith believes that Acer retains possession of the factual submissions and other documents that Acer provided to the European Commission and that Acer can readily identify and produce them to AMD in this action without great effort. All factual submissions and other documents that Acer produces will be kept confidential, and, by order of the undersigned, used solely in connection with this civil action. Counsel for AMD is willing to reimburse the authority in Italy for costs incurred in executing this

request.

4. Accordingly, it is hereby requested that, in the interest of justice, you cause by your usual and proper process, such orders to be entered as Italian law permits directing that the documents described in Schedule A attached hereto be produced by Acer for inspection and copying by counsel for petitioner at a time and place to be determined by you.

This Court expresses its appreciation of the competent authority in Italy for its courtesy and assistance in this matter and states that it shall be ready and willing to assist the courts of Italy in a similar manner when required.

\_\_\_\_\_  
The United States District Court

Dated: \_\_\_\_\_, 2009

Wilmington, DE

**CERTIFICATE OF SERVICE**

I hereby certify that on February 9, 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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I hereby certify that on February 9, 2009, I have sent by electronic mail the foregoing document to the following non-registered participants:

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