IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

IN RE INTEL CORPORATION MICROPROCESSOR ANTITRUST LITIGATION) MDL No. 05-1717-JJF))
ADVANCED MICRO DEVICES, INC. and AMD INTERNATIONAL SALES & SERVICE, LTD.,) C.A. No. 05-441-JJF)
Plaintiffs,	<i>)</i>)
v.	<i>)</i>)
INTEL CORPORATION and INTEL KABUSHIKI KAISHA,,)))
Defendants.	<i>)</i>))
PHIL PAUL, on behalf of himself and all others similarly situated,) C.A. No. 05-485-JJF)
Plaintiffs,)))
vs.)))
INTEL CORPORATION,))
Defendant.)

NOTICE OF TAKING DEPOSITION OF ADVANCED MICRO DEVICES, INC. AND AMD INTERNATIONAL SALES & SERVICE, LTD. REGARDING AMD'S CLAIMED DAMAGES

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, defendant Intel Corporation and Intel Kabushika Kaisha will take the deposition of Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd. on June I and 2, 2009 beginning at 9:00 a.m., at the offices of Gibson Dunn & Crutcher LLP, 333 South Grand Avenue, Suite 4700, Los Angeles, California 90071, or

at such other time and place as the parties may agree. The deposition will be recorded by stenographic and sound-and-visual (videographic) means, will be taken before a Notary public or other officer authorized to administer oaths, and will continue from day-to-day until completed, weekends and public holidays excepted.

Reference is made to the "Description of Matters on Which Examination is Requested" attached hereto as Exhibit A and incorporated herein by this reference. In accordance with Rule 30(b)(6) of the Federal Rules of Civil Procedure, AMD is hereby notified of its obligation to designate one or more officers, directors, or managing agents (or other persons who consent to do so) to testify on its behalf as to all matters embraced in the "Description of Matters on Which Examination is Requested" and known or reasonably available to AMD.

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Dated: May 12, 2009 915702/29282

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EXHIBIT A

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DESCRIPTION OF MATTERS ON WHICH EXAMINATION IS REQUESTED

I. **DEFINITIONS**

- 1. "AMD" shall mean and refer collectively to plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, Ltd., including their respective past and present officers, directors, agents, attorneys, employees, consultants, or other persons acting on either of their behalf.
- 2. "Intel" shall mean Intel Corporation and Intel Kabushiki Kaisha and any parent, subsidiary or affiliate entities, as well as the owners, partners, officers, directors, employees, agents, and other representatives of Intel Corporation and Intel Kabushiki Kaisha.
- 3. "Complaint" shall mean the complaint filed by AMD against Intel in the United States District Court for the District of Delaware on June 27, 2005, case number CA 05-441.
- 4. "Person" shall mean any natural person or legal entity, including, but not limited to, any corporation, partnership, proprietorship, firm, trust, association, government entity, organization or group of persons.
- 5. "Customer" shall mean the customers identified in the "Supplemental Response of Plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, LTD. to Intel Corporation's and Intel Kabushiki Kaisha's First Set of Interrogatories, Pursuant to DM-6," as well as any actual or potential purchaser of microprocessors or computer systems that incorporate microprocessors, including, but

not limited to original equipment manufacturers ("OEMs"), distributors, retailers, dealers, original design manufacturers ("ODMs"), system builders, distributors, assemblers, and resellers.

6. Terms in quotation marks have the same meaning as when used in AMD's Complaint.

II. SUBJECT MATTER

- 1. For the acts, occurrences, or communications described in Paragraphs 2 to 6 below, (a) the dates thereof; (b) the person(s) who acted, participated in, or were a party thereto; (c) the conduct involved or the content of the communications; and (d) the source(s) that provided AMD with the information regarding the act, occurrence, or communication, and the date that information was provided to AMD.
- 2. The "exclusive or near-exclusive deals(s)" that Intel entered into with customers.
- 3. The discounts, rebates, allowances, market development funds, or other payments that Intel "conditioned" on a customer's "agreement to severely limit or forego entirely purchases from AMD" or that had the "effect of denying customers the freedom to purchase any significant volume of processors from AMD," and the substance of Intel's "condition[s]."
- 4. Intel's threats of "economic retaliation" at customers that did or contemplated doing business with AMD or that refused to limit business with AMD.
- 5. Intel's acts of "intentionally interfer[ing] with" customers and/or partners with whom AMD has had a "prospective economic advantage."
 - 6. "Intel's exclusionary acts" which are not included in Paragraphs 2 to 5.

- 7. Any additional customers AMD has identified that are responsive to "Intel Corporation's and Intel Kabushiki Kaisha's First Set of Requests for the Production of Documents to Plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, LTD." since the filing of the "Supplemental Response of Plaintiffs Advanced Micro Devices, Inc. and AMD International Sales & Service, LTD. to Intel Corporation's and Intel Kabushiki Kaisha's First Set of Interrogatories, Pursuant to DM-6."
- 8. For the acts, occurrences, or communications described in Paragraphs 2 to 6 (the "Alleged Wrongful Acts"):
 - a. The number of additional x86 microprocessors AMD would have sold in the absence of the Alleged Wrongful Acts, the purchasers to whom it would have sold them, and at what prices.
 - b. The prices at which Intel would have sold x86 microprocessors in the absence of the Alleged Wrongful Acts.
 - c. The additional entrants to the x86 microprocessor market in the absence of Intel's Alleged Wrongful Acts.
 - d. The changes in the relative positions of AMD and Intel in the desktop (both commercial and consumer), mobile (both consumer and commercial), and server market segments that would have occurred in the absence of the Alleged Wrongful Acts, and when they would have occurred.
 - e. The dates and means by which (a) AMD would have begun to increase its capacity to produce x86 microprocessors in the absence of the Alleged Wrongful Acts and (b) such increase would have enabled AMD to produce the number of such microprocessors it believes it could have sold in a market unrestrained by the Alleged Wrongful Acts.

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CERTIFICATE OF SERVICE

I, W. Harding Drane, Jr. hereby certify that on May 12, 2009, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on May 12, 2009, I have Electronically Mailed the documents to the following non-registered participants:

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