

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ADVANCED MICRO DEVICES, INC. and	)	
AMD INTERNATIONAL SALES & SERVICE,	)	
LTD.,	)	
	)	
Plaintiffs,	)	
	)	C. A. No. 05-441 (JJF)
v.	)	
	)	
INTEL CORPORATION and	)	
INTEL KABUSHIKI KAISHA,	)	
	)	
Defendants.	)	

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IN RE:	)	MDL Docket No. 05-1717 (JJF)
INTEL CORP. MICROPROCESSOR	)	
ANTITRUST LITIGATION	)	

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PHIL PAUL, on behalf of himself	)	C.A. No. 05-485-JJF
and all others similarly situated,	)	
	)	
Plaintiffs,	)	CONSOLIDATED ACTION
	)	
v.	)	
	)	
INTEL CORPORATION,	)	
	)	
Defendant.	)	

**NOTICE OF SERVICE OF SUBPOENA AD TESTIFICANDUM  
AND DUCES TECUM OF GARTNER, INC.**

PLEASE TAKE NOTICE that, on May 8, 2009, pursuant to Rules 26, 30, and 45 of the Federal Rules of Civil Procedure, Defendants Intel Corporation and Intel Kabushiki Kaisha, by their counsel, have caused to be served upon Gartner, Inc., a subpoena *ad testificandum* and *duces tecum* with accompanying schedule of document requests (attached hereto as Exhibit 1). An Affidavit of Service is attached as Exhibit 2.

OF COUNSEL:

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Dated: May 12, 2009  
9115740/29282

POTTER ANDERSON & CORROON LLP

By: /s/ W. Harding Drane, Jr.  
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Attorneys for Defendants  
Intel Corporation and Intel Kabushiki Kaisha

# **EXHIBIT 1**

UNITED STATES DISTRICT COURT
for the
Southern District of New York

Advanced Micro Devices, Inc. and AMD International )
Plaintiff )
v. ) Civil Action No. 05-441-JJF
Intel Corp. and Intel Kabushiki Kaisha )
Defendant ) (If the action is pending in another district, state where:
District of Delaware

SUBPOENA TO TESTIFY AT A DEPOSITION
OR TO PRODUCE DOCUMENTS IN A CIVIL ACTION

To: Gartner, Inc., 56 Top Gallant Rd., Stamford, CT 06904 (c/o CT Corporation System, One Corporate Center, Floor 11, Hartford, CT 06103-3220)

Testimony: YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization that is not a party in this case, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the following matters, or those set forth in an attachment:

Table with 2 columns: Place: Gibson, Dunn & Crutcher, LLP, 200 Park Avenue New York, NY 10166-0193; Date and Time: 05/29/2009 09:00

The deposition will be recorded by this method: Audiovisual and stenographic

Production: You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material:

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Rule 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 05/06/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Handwritten signature of W. Harding Drane, Jr.
Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Intel Corporation and Intel Kabushiki Kaisha, who issues or requests this subpoena, are:

W. Harding Drane, Jr. (wdrane@potteranderson.com)
Potter Anderson & Corroon LLP
1313 N. Market Street, Hercules Plaza, P.O. Box 951, Wilmington, DE 19899-0951; (302) 984-6000

## **EXHIBIT A**

### **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. The term "Gartner" shall mean and refer to the global information technology research and advisory company Gartner, Inc., and any affiliate entities, including Gartner Consulting and Gartner Custom Research, formerly Griggs-Anderson, as well as the owners, employees, agents, and other representatives of Gartner, Inc. or any affiliate entities.

#### **II. SUBJECT MATTER**

1. Authentication of all brand tracking surveys prepared by Gartner for AMD between January 1, 2000 and the present.

2. Description of the creation, preparation, and retention of all brand tracking surveys prepared by Gartner for AMD between January 1, 2000 and the present.

# **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
Southern District of New York



114313

AFFIDAVIT OF SERVICE

Index no : 05-441-JTF

Plaintiff(s):	Advanced Metro Devices, Inc. and AMD International
Defendant(s):	Intel Corp. and Intel Kabushiki Kaisha

STATE OF CONNECTICUT  
HARTFORD COUNTY ss.:

Christine Foran, the undersigned, being duly sworn, deposes and says that I was at the time of service over the age of eighteen and not a party to this action. I reside in the state of Connecticut.

On 05/08/2009 at 2:00 PM, I served the within Subpoena In A Civil Case To Testify at A Deposition or To Produce Documents together with a witness fee check in the amount of \$40.00 on Gartner, Inc. at c/o CT Corporation, One Corporate Center, 11th Floor, Hartford, CT 06103 in the manner indicated below:

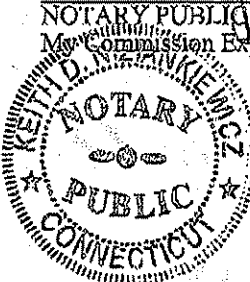
SUITABLE AGE: By delivering a true copy of each to Mary Foran, Information Specialist, a person of suitable age and discretion. Said premises is recipient's usual place of abode within the state.

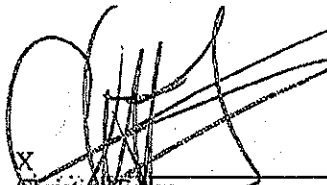
A description of the Recipient, or other person served on behalf of the Recipient is as follows:

Sex	Color of skin	Color of hair	Age	Height	Weight
Female	White	Brown	42	5'5"	150
Other Features:					

Sworn to and subscribed before me on  
May 08, 2009  
by an affiant who is personally known to  
me or produced identification.

  
 NOTARY PUBLIC  
 My Commission Expires: 03/2011



X   
 Christine Foran  
 Parcels, Inc.  
 230 North Market Street  
 P.O. box 27  
 Wilmington, DE 19899  
 800-479-0075  
 Atty File#:

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

**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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