

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

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

AMENDED NOTICE OF SUBPOENA AND DEPOSITION

PLEASE TAKE NOTICE that the attached subpoena has been or will be served on Richard Walker c/o Paul Weller, Morgan Lewis & Bockius LLP, 1701 Market Street, Philadelphia, PA 19103-2921.

By and through their attorneys, the Plaintiffs in the above-captioned matters will take the deposition of Richard Walker on June 16, 2009, beginning at 9:00 a.m., at the offices of Morgan Lewis & Bockius LLP, 2 Palo Alto Square, 3000 El Camino Real, Suite 700, Palo Alto, CA 94306-2121, 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. So far as known to AMD, the deponent is a current or former employee of Hewlett Packard.

/s/ Steven J. Fineman

Frederick L. Cottrell, III (#2555)

Chad M. Shandler (#3796)

Steven J. Fineman (#4025)

Richards, Layton & Finger, P.A.

One Rodney Square

P.O. Box 551

Wilmington, Delaware 19899

(302) 651-7700

cottrell@rlf.com

shandler@rlf.com

fineman@rlf.com

Attorneys for Plaintiffs Advanced Micro
Devices, Inc. and AMD International Sales
& Service, Ltd.

OF COUNSEL:

Charles P. Diamond

Linda J. Smith

O'Melveny & Myers LLP

1999 Avenue of the Stars, 7th Floor

Los Angeles, CA 90067

(310) 246-6800

Mark A. Samuels

O'Melveny & Myers LLP

400 South Hope Street

Los Angeles, CA 90071

213-430-6000

Dated: June 9 , 2009

**Issued by the
UNITED STATES DISTRICT COURT**

Northern District of California

IN RE INTEL CORPORATION
MICROPROCESSOR ANTITRUST LITIGATION
ADVANCED MICRO DEVICES, INC., and
AMD INTERNATIONAL SALES & SERVICE, LTD.
V.

SUBPOENA IN A CIVIL CASE

INTEL CORPORATION, and INTEL KABUSHIKI KAISHA

Case Number:¹ 05-441-JJF, MDL 05-1717-JJF

United States District Court,
District of Delaware

TO: Richard Walker
c/o Paul Weller, Morgan Lewis & Bockius LLP
1701 Market Street, Philadelphia, PA 19103-2921

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

| | |
|--------------------|---------------|
| PLACE OF TESTIMONY | COURTROOM |
| | DATE AND TIME |

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

| | |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| PLACE OF DEPOSITION Morgan Lewis & Bockius LLP, 2 Palo Alto Square 3000 El Camino Real, Suite 700, Palo Alto, CA 94306 - 2121 | DATE AND TIME 6/16/2009 9:00 am |
|-------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|


YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

| | |
|-------|---------------|
| PLACE | DATE AND TIME |
|-------|---------------|

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

| | |
|----------|---------------|
| PREMISES | DATE AND TIME |
|----------|---------------|

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rule of Civil Procedure 30(b)(6).

| | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)  Attorney for Plaintiffs | DATE 6/5/2009 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|

| |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Bernard C. Barmann, Jr. (213) 430 - 6000 O'Melveny & Myers LLP, 400 South Hope Street, Los Angeles, CA 90071 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|

(See Federal Rule of Civil Procedure 45 (c), (d), and (e), on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

PROOF OF SERVICE

| | |
|------------------------|-------------------|
| DATE | PLACE |
| SERVED | |
| SERVED ON (PRINT NAME) | MANNER OF SERVICE |
| SERVED BY (PRINT NAME) | TITLE |

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

| | |
|------------------------------------------------------------------|-----------------------------------------------------------------------------|
| Executed on _____ <div style="text-align: center;">DATE</div> | _____ SIGNATURE OF SERVER _____ ADDRESS OF SERVER _____ |
|------------------------------------------------------------------|-----------------------------------------------------------------------------|

Federal Rule of Civil Procedure 45 (c), (d), and (e), as amended on December 1, 2007:

- (c) PROTECTING A PERSON SUBJECT TO A SUBPOENA.**
- (1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The issuing court must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.
- (2) Command to Produce Materials or Permit Inspection.
- (A) Appearance Not Required. A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.
- (B) Objections. A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:
- (i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.
- (3) Quashing or Modifying a Subpoena.
- (A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:
- (i) fails to allow a reasonable time to comply;
 - (ii) requires a person who is neither a party nor a party's officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
 - (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
 - (iv) subjects a person to undue burden.
- (B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:
- (i) disclosing a trade secret or other confidential research, development, or commercial information;
 - (ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party; or
 - (iii) a person who is neither a party nor a party's officer to incur substantial expense to travel more than 100 miles to attend trial.
- (C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:
- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
 - (ii) ensures that the subpoenaed person will be reasonably compensated.
- (d) DUTIES IN RESPONDING TO A SUBPOENA.**
- (1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:
- (A) Documents. A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.
- (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.
- (C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.
- (D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.
- (2) Claiming Privilege or Protection.
- (A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
- (i) expressly make the claim; and
 - (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.
- (B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.
- (e) CONTEMPT.**
- The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty's failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).

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

CERTIFICATE OF SERVICE

I hereby certify that on June 9, 2009, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and have sent by Hand Delivery to the following:

Richard L. Horwitz, Esquire
W. Harding Drane, Jr., Esquire
Potter Anderson & Corroon LLP
1313 North Market Street
P. O. Box 951
Wilmington, DE 19899

James L. Holzman, Esquire
Prickett, Jones & Elliott, P.A.
1310 King Street
P.O. Box 1328
Wilmington, DE 19899-1328

and have sent via electronic mail to the following non-registered participants:

Darren B. Bernhard, Esquire
Howrey LLP
1299 Pennsylvania Avenue, N.W.
Washington, DC 20004-2402

Daniel A. Small, Esquire
Cohen Milstein Hausfeld & Toll, L.L.C.
1100 New York Avenue, N.W.
Suite 500 - West Tower
Washington, DC 20005

Robert E. Cooper, Esquire
Daniel S. Floyd, Esquire
Gibson, Dunn & Crutcher LLP
333 South Grand Avenue
Los Angeles, California 90071-3197

/s/ Steven J. Fineman
Steven J. Fineman (#4025)
Richards, Layton & Finger, P.A.
One Rodney Square
P.O. Box 551
Wilmington, Delaware 19899
(302) 651-7700
fineman@rlf.com